

To: Dorka, Lilian[Dorka.Lilian@epa.gov]
From: Ali, Mustafa
Sent: Wed 10/19/2016 12:50:12 PM
Subject: Re: Follow Up to October 5th Meeting (EPA File No. 11R-14-R4)

I agree with what you laid out....

Blessings
Mustafa

Sent from my iPhone

On Oct 18, 2016, at 8:43 PM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

Hello Everyone,

I would like to acknowledge receipt this email, thank her and all who attended for traveling up for the meeting, etc, thank her for providing this additional information that we will add to the file, send her a list of EPA participants at the meeting (in person and on phone), and, w respect to the onsite, I would like to let her know we would like to set up a time, soon, to discuss it with her.

Any concerns/suggestions on any aspects of my proposed message? Thanks!

Sent from my iPhone

On Oct 18, 2016, at 8:18 PM, Marianne Lado <marianne.lado@gmail.com> wrote:

Dear Lilian,

This email is sent on behalf of the North Carolina Environmental Justice Network (NCEJN), the Rural Empowerment Association for Community Help (REACH), and Waterkeeper Alliance, Inc., to thank you, Matt Fritz, Mustafa Ali, Mary O'Lone and all others who helped pull together the meeting on October 5, 2016 at EPA regarding the status of their complaint (EPA File No. 11R-14-R4). We appreciated the time devoted to the meeting and the commitment that you and others expressed in carrying forward the investigation.

As Ex. 6 - Personal Privacy said at the beginning of the meeting, she and other community members in Eastern North Carolina feel like prisoners in their homes, denied the freedom to sit outside, exposed to the odor and effects of animal feces and urine. Many of the participants in the room – including Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

have been raising concerns about the racially disparate impacts of industrial swine operations in eastern North Carolina for decades. They are tremendous resources for information about impacts, research, and past efforts to address these issues, among other things. We were glad, therefore, that they were able to travel to DC for this meeting.

At the same time, as we discussed in the meeting, the conversation did not afford the same opportunities as a site visit. We look forward to finalizing arrangements for members of the staff at the Office of Civil Rights to come to Duplin County. We renew our offer to organize a tour and interviews with members of the community and to help in any way that we can. Please let us know how you would like to proceed and whether there is a point person for making arrangements.

We also wanted to ask you for a list of the participants in our Oct. 5 meeting: we noted some of the names but probably not all.

Finally, it was notable that as we were meeting, Hurricane Matthew was moving up the East Coast toward North Carolina. When community members returned to eastern North Carolina, many soon found themselves surrounded by rising waters. Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy joined his fellow North Carolina Riverkeepers who have devoted their time to documenting the impacts of overflowing hog waste lagoons on waterways. See Waterkeeper Alliance, “Waterkeeper Alliance and North Carolina Riverkeepers Conduct Aerial Patrols, Document Hog Waste Contamination and Flooded Coal Ash Ponds” (Oct. 14, 2016), available at <http://waterkeeper.org/waterkeeper-alliance-and-north-carolina-riverkeepers-conduct-aerial-patrols-document-hog-waste-contamination-and-flooded-coal-ash-ponds/>; <https://www.flickr.com/photos/waterkeeperalliance/sets/72157673749082442>. As you know, the REACH complaint alleges that lagoons are prone to ruptures and spills, impairing surface water quality, at ¶ 75, and, further, that hurricanes in the region have “led to severe flooding of industrial swine facilities, the rupture of lagoons, and the overflow of waste into North Carolina’s creeks, rivers, and streams.” ¶ 76. The complaint further alleges that the waste spilled from overflowing lagoons is linked to outbreaks of harmful pathogens, as well as adverse environmental impacts. ¶ 77. Unfortunately, there is a high probability of hurricanes in eastern North Carolina, and the horrifying impacts we’ve seen are also predictable. The events of the last week reinforce the undeniable evidence that industrial hog operations as permitted by DEQ have adverse impacts. See also Hernández, Fritz & Mooney, “Factory Farming Practices are Under Scrutiny Again in N.C. After Disastrous Hurricane Floods,” *The Washington Post* (Oct. 16, 2016), available at <https://www.washingtonpost.com/news/capital-weather-gang/wp/2016/10/16/factory-farming-practices-are-under-scrutiny-again-in-n-c-after-disastrous-hurricane-floods/>.

Please add this letter and the information about the impacts of Hurricane Matthew to the case file, and we request that OCR consider these effects in its evaluation of adverse impacts.

We hope that the investigation will soon move beyond establishing adverse disproportionate impacts and that OCR will take action to enforce Title VI. As we discussed on Oct. 5, community members need to be at the table when voluntary compliance measures or other solutions are discussed.

We look forward to hearing from you about next steps on the site visit.

Sincerely,

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org

Elizabeth Haddix

Senior Staff Attorney

UNC Center for Civil Rights

323 West Barbee Ch. Rd.

Chapel Hill, NC 27517

T: 919.445.0176

F: 919.843.6748

www.law.unc.edu/centers/civilrights



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If you think that you have received this email message in error, please notify the sender by reply email and

delete the message and any attachments.

To: Lee, Monica[Lee.Monica@epa.gov]
From: Ali, Mustafa
Sent: Fri 9/5/2014 12:01:50 AM
Subject: Re: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Here is her contact info:

Wooden-Aguilar.Helena@epa.gov

Mustafa Ali

Senior Advisor to the Administrator for Environmental Justice [Acting]

Sent from my iPhone

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202-564-0645 (o)
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Thanks for any info you have.

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Press Secretary

U.S. Environmental Protection Agency

Direct: 202-564-6691

Ex. 6 - Personal Privacy

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Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

see below. This includes the group's press release

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Staff Writer
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Tel: 919-829-8932

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Fax: 829-4529
e-mail: john.murawski@newsobserver.com
Twitter: @johnmurawski
Visit our blog: <http://www.newsobserver.com/bizblog/>

FOR IMMEDIATE RELEASE

September 4, 2014 (7.00 am)

Contacts

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Help| [910.296.1180](tel:910.296.1180)

Naeema Muhammad| North Carolina Environmental Justice
Network| [252.314.0703](tel:252.314.0703)

Larry Baldwin | Waterkeeper Alliance | lbaldwin@waterkeeper.org | [252.670.1413](tel:252.670.1413)

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Jonathan Hahn|Caplan
Communications| jonathan@caplancommunications.com | [301-998-6592](tel:301-998-6592)

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“Rural eastern North Carolinians, especially poor people and people of color,

continue to suffer from the horrible conditions brought on by the industrial hog industry” said **Naeema Muhammad, Director of North Carolina Environmental Justice Network**. “It’s the State’s job to regulate these operations and make sure that the people and the environment are protected. This complaint is about making sure they do that.”

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The complainants have notified officials at DENR and EPA of the filing and are asking EPA to initiate an investigation.

LINK TO FILED

COMPLAINT: <http://waterkeeper.org/cms/assets/uploads/2014/09/North-Carolina-EJ->

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Earthjustice, the nation's premier nonprofit environmental law organization, wields the power of law and the strength of partnership to protect people's health,

to preserve magnificent places and wildlife, to advance clean energy and to combat climate change.

Because the earth needs a good lawyer.

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From: Ali, Mustafa
Sent: Thur 9/4/2014 11:52:45 PM
Subject: Re: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Give me a buzz Ex. 6 - Personal Privacy

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September 4, 2014 (7.00 am)

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LINK TO FILED COMPLAINT: <http://waterkeeper.org/cms/assets/uploads/2014/09/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>

#

About NCEJN

The North Carolina Environmental Justice Network is a statewide, grassroots-led non-profit organization made up of community members and other organizations that work to fight environmental injustice. The EJ Network seeks to promote health and environmental equality for all people of North Carolina through organizing, advocacy, research, and education based on principles of economic equity and democracy for all people. The EJ Network supports the communities that are most impacted by environmental injustice and has worked for nearly two decades to change the fact that industrial swine facilities in North Carolina are allowed to pollute low-income communities and communities of color.

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Earthjustice, the nation's premier nonprofit environmental law organization, wields the power of law and the strength of partnership to protect people's health, to preserve magnificent places and wildlife, to advance clean energy and to combat climate change.

Because the earth needs a good lawyer.

To: Lee, Monica[Lee.Monica@epa.gov]
From: Ali, Mustafa
Sent: Thur 9/4/2014 9:49:05 PM
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Monica,

I actually just read about that in the "Daily Reading File" that is sent around. I will check with OEJ, they have a hotline and a parature process that information sometimes comes in on.

Blessings

Mustafa

From: Lee, Monica
Sent: Thursday, September 04, 2014 5:40 PM
To: Ali, Mustafa
Subject: FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi Mustafa –

Do you have any information on a complaint from Earthjustice, alleging EPA civil rights violations at NC hog farms? We have a couple inquiries and expect we might get a few more.

Thanks for any info you have.

-Monica

From: Purchia, Liz
Sent: Thursday, September 04, 2014 4:53 PM
To: Lee, Monica; Allen, Laura
Subject: FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

FYI this happened today. Politico Pro's ag edition apparently wrote on it and now the News & Observer is asking.

Laura – Can you check with the region to see if they've gotten incoming and have a response.

Monica – Can you check with OCR on this?

Looks like they're asking us to investigate.

Politico is asking if we have a timeline to respond to these petitions.

Liz Purchia

Press Secretary

U.S. Environmental Protection Agency

Direct: 202-564-6691

Ex. 6 - Personal Privacy

From: Davis, Alison

Sent: Thursday, September 04, 2014 4:49 PM

To: Purchia, Liz

Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

see below. This includes the group's press release

Begin forwarded message:

From: "Murawski, John" <jmurawski@newsobserver.com>
Date: September 4, 2014 at 4:35:36 PM EDT
To: Alison Davis <Davis.Alison@epamail.epa.gov>, "Davis, Alison" <davis.alison@epa.gov>
Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Alison,

Greetings. I'm writing a short item about this Earthjustice complaint to EPA alleging civil rights violations at NC hog farms. The complaint is filed with EPA and against DENR.

Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind. I'm trying to put this in context if possible. Also, would EPA decide this by paperwork or would there be hearings, testimony, evidence?

I look forward to hearing from you.

John Murawski
Staff Writer
The News & Observer
Raleigh, NC
Tel: 919-829-8932
Ex. 6 - Personal Privacy
Fax: 829-4529
e-mail: john.murawski@newsobserver.com
Twitter: @johnmurawski
Visit our blog: <http://www.newsobserver.com/bizblog/>

FOR IMMEDIATE RELEASE

September 4, 2014 (7.00 am)

Contacts

Devon Hall, Sr.|Rural Empowerment Association for Community Help| [910.296.1180](tel:910.296.1180)

Naeema Muhammad| North Carolina Environmental Justice Network|[252.314.0703](tel:252.314.0703)

Larry Baldwin | Waterkeeper Alliance | lbaldwin@waterkeeper.org | [252.670.1413](tel:252.670.1413)

Marianne Engelman Lado | Earthjustice
| mengelmanlado@earthjustice.org | 212.845.7376 x 7393

Jonathan Hahn|Caplan Communications| jonathan@caplancommunications.com | 301-998-6592

Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Decade-long struggle with North Carolina over public health shifts to the EPA as
community groups state lax oversight of hog operations violates civil rights

WARSAW, N.C.—The North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help and Waterkeeper Alliance, supported by Earthjustice, filed a complaint with the Environmental Protection Agency (EPA) Office of Civil Rights under Title VI of the Civil Rights Act of 1964 alleging that North Carolina's lax regulation of hog waste disposal discriminates against communities of color in eastern North Carolina.

The complaint is the latest chapter in a longstanding struggle to address the community health impacts posed by massive amounts of fecal waste from industrial hog facilities. Community members have repeatedly asked the North Carolina Department of Environment and Natural Resources (DENR) for stronger protections, but are now seeking help from the EPA, stating that a recent decision by DENR to issue a permit that will cover thousands of hog facilities without adequate waste disposal controls violates federal law and civil rights.

"Rural eastern North Carolinians, especially poor people and people of color, continue to suffer from the horrible conditions brought on by the industrial hog industry" said **Naeema Muhammad, Director of North Carolina Environmental Justice Network**. "It's the State's job to regulate these operations and make sure that the people and the environment are protected. This complaint is about making sure they do that."

The permit continues to allow industry to flush hog feces and urine into open, unlined pits and then to spray this "liquid manure" onto nearby fields. This practice leads to waste

contaminating nearby waters. The waste also drifts as mist onto neighboring properties, causing unbearable odors. The impact is worsened by the growth of the poultry industry in the state and the piles of chicken waste that often sit uncovered on fields for days on end.

These operations are disproportionately located in communities of color where neighbors are forced to endure the smell, water quality impacts and the embarrassment associated with the facilities operating near their homes.

"You can't imagine what it's like to live next to one of these hog operations," said **Devon Hall, Project Manager at the Rural Empowerment Association for Community Help (REACH)**. "It's hard to enjoy the outdoors and it's embarrassing to invite company over, because the flies and the smells make life miserable. We've complained for decades about it."

"The negative impacts that hog operations have on the environment and neighboring communities is outrageous, and the government is turning a blind eye to those in harm's way," said **Larry Baldwin, Concentrated Animal Feeding Operations (CAFO) Coordinator at Waterkeeper Alliance**. "It's time the State took its responsibility to protect the citizens of North Carolina seriously. After years of working to improve water quality in the eastern portion of the state, I can say that it's time for the state to take action."

The complainants have notified officials at DENR and EPA of the filing and are asking EPA to initiate an investigation.

LINK TO FILED COMPLAINT: <http://waterkeeper.org/cms/assets/uploads/2014/09/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>

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Because the earth needs a good lawyer.

**Title VI and NC DEQ Swine CAFOs (REACH) Case
October 17, 2016**

ATTACHMENT A

TIMLINE OF REACH TITLE VI COMPLAINT

September 3, 2014: Earthjustice filed Title VI complaint on behalf of the North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help (REACH), and the Waterkeeper Alliance, Inc. alleging discrimination based on race and national origin by the North Carolina Department of Environmental Quality (NC DEQ).¹

The complaint alleged that NC DEQ's 2014 renewal of the Swine Waste Management System General Permit (Swine Waste General Permit) without adequate measures to control, dispose of, and monitor animal waste from industrial swine feeding operations subjects African Americans, Hispanics, and Native Americans to discriminatory impacts (*e.g.*, health issues, noxious odors, nuisances, increased expenses, social and psychological harms, declining property values).

Complainants submitted or cited to numerous published studies, including 13 specific to North Carolina's swine feeding operations, to establish the link between swine waste storage and disposal operations and alleged adverse impacts.

February 20, 2015: OCR accepts the allegation for investigation.

NC DEQ is an EPA recipient.

Ex. 5 Deliberative/ Atty Client

Ex. 5 Deliberative/ Atty Client

March 6, 2015: Complainants and NC DEQ enter in to ADR, so OCR places the investigation on hold pending the outcome of the mediation.

December 18, 2015: The National Pork Producers Council and North Carolina Pork Council (Pork Councils) request to intervene in the ADR.

January 11, 2016: Complainants inform EPA, NC DEQ, & Pork Councils they oppose Pork Councils' attempt to intervene in the ADR.

January 13, 2016: At the first in-person mediation session, representatives of the Pork Councils appear and attempt to interject themselves into the ADR. NC DEQ supported the request. Complainants did not.

January 15, 2016: OCR notifies the Pork Councils' that "[s]hould the participants agree to the request from the [Pork Councils] to participate in the ADR, the mediator will contact you."

¹ Formerly the North Carolina Department of Environment and Natural Resources.

March 7, 2016: Complainants inform OCR that they are withdrawing from the mediation process and request that OCR resume the investigation.

May 5, 2016: OCR notifies Complainants and NC DEQ that it has reinitiated the investigation.

July 11, 2016: Earthjustice files a complaint alleging NC DEQ violated EPA's regulation prohibiting retaliation, intimidation, and harassment of Complainants (40 C.F.R. § 7.100). Among other events, Complaints point to the events involving the Pork Councils attempt to intervene at the January 2016 mediation sessions.

August 1, 2016: NC DEQ submits response to retaliation allegations.

August 2, 2016: OCR accepts the retaliation allegation for investigation and incorporates it into the ongoing investigation regarding the Swine Waste General Permit.

September 2, 2016: NC DEQ requests OCR dismiss the complaint.

October 5, 2016: OCR notifies NCDEQ that it will not dismiss the complaint.

October 5, 2016: EPA meets with Complainants and their representatives.

From: Farrell, Ericka

Location: DCRoomARN2528/DC-ARN-OCR-Rooms

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Importance: Normal

Subject: REACH Pre- Meeting

Start Date/Time: Wed 3/16/2016 7:00:00 PM

End Date/Time: Wed 3/16/2016 8:00:00 PM

REACH Briefing, DRAFT RFI, Case Management Plan

Send corrected dial in number

Message

From: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Sent: 3/25/2015 12:40:18 PM
To: Covington, Jeryl [Covington.Jeryl@epa.gov]; Farrell, Ericka [Farrell.Ericka@epa.gov]; Matthew, Dayna [Matthew.Dayna@epa.gov]
CC: O'Lone, Mary [o'lonemary@epa.gov]; Moffa, Anthony [Moffa.Anthony@epa.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]
Subject: 90 day plan

All-

Can we begin to circulate the most updated 90 day plan to everyone so we can all see where we are?

Dayna or Ericka - can you share the most recent version? I have no idea what it looks like and I need to have this info to keep my management updated.

At today's meeting I would also like to discuss roles and responsibilities of the case team. It is critical that there is no confusion on this point as there are lots moving parts.

So my proposed agenda is as following:

1. Discuss and Update on 90 day plan
 - * adm closures checklist
 - * ADR
 - * update DOJ
2. Role and Responsibilities of case team
3. Engagement with key offices on gathering info
4. Sharepoint Site
5. Next steps

Let me know if you have any additions.

Helena

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy
wooden-aguilar.helena@epa.gov



**Office of Civil Rights
Title VI Planning & Status Meeting
August 19, 2015, 09:00 am – 10:00 am
WJC North Room 2528**

Attendees:

- | | |
|------------------------------|---|
| 1. Covington, Jeryl | 7. Nieves-Munoz, Waleska (Teleconference) |
| 2. Farrell, Ericka | 8. O'Lone, Mary (Teleconference) |
| 3. Golightly-Howell, Velveta | 9. Rhodes, Julia |
| 4. Harrison, Brenda | 10. Stein, Jonathan |
| 5. Keeler, Katsumi | 11. Temple, Kurt |
| 6. Martinez, Brittany | 12. Theodore, Landzy |

AGENDA

Topics of Discussion:

!URGENT!

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

EPA File Nos. 11-14-R4 (REACH), presented and discussed by Ericka Farrell and Jeryl Covington, and **Ex. 5 - Deliberative Process**, presented and discussed by Brittany Martinez

- General background on each case was provided.
- Open discussion followed the presentations. Discussion/questions and action items for each case stated below:

Discussion\Questions: 11R-14-R4 (REACH)

- Complainants allege that the issuance of Swine Waste Management System General Permit without adequate measures to control, dispose of, and monitor the significant amounts of animal waste and pollutants contribute to serious health problems, creates noxious odors and prevent people in nearby homes from enjoying their property. They also allege that the General Permit has not been updated to address well-documented human health and environmental hazards by incorporating permit conditions designed to reduce or eliminate those hazards. *i.e.*,

new technology such as capping lagoons, odor control management, methane level management, etc.

Action Items:



Ex. 5 - Deliberative Process

Discussion/Questions: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Action Items:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Next briefing: Wednesday, August 26, 2015, there will be an update on the (the Title V and Permitting litigations may be settled, that may buy us more time in scheduling an ADR; and a briefing on

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process



Case Nickname: **REACH**

Case ID Number: 11R-14-R4

Complainant(s): Earthjustice on behalf of North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help (REACH), and Waterkeeper Alliance, Inc.

Recipient(s): North Carolina Department of the Environment and Natural Resources (NC DENR)

Case Team:
Ericka Farrell
Jeryl Covington

OGC Contact:
Mary O'Lone
Anthony Moffa

Source: NCDENR website (<http://portal.ncdenr.org/web/wq/animal-facility-map>) Bladen County, NC

Case Timeline:

- Complaint Received Date: September 4, 2014
- Complaint Acceptance Date: February 20, 2015
- Investigation Status: Exploring ADR March 2015
- Target Resolution Date: TBD

Case Category:

- Permitting (state)

Allegations Accepted:

"North Carolina DENR's regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origins in neighboring counties and violates Title VI and EPA's implementing regulations."¹

Grant Information:

NC DENR is an EPA recipient;

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

General Allegation:

NC DENR's issuance of the Swine Waste Management System General Permit without adequate measures to control, dispose of, and monitor the significant amounts of animal waste (e.g., urine, manure, carcasses) and pollutants from more than 2,000 industrial swine feeding operations contributes to serious health problems, creates noxious odors, and prevents people in nearby homes and communities from enjoying their land and property. The complaint alleges that these adverse impacts are borne disproportionately by African Americans, Hispanics, and Native Americans. Numerous studies were provided or cited to help establish the link between swine waste storage and disposal operations and alleged adverse impacts. The Complainants allege that the General Permit, which covers many facilities built before and during the 1990s, has not been updated to address well documented human health and environmental hazards by incorporating permit conditions designed to reduce or eliminate those hazards.

¹ U.E. EPA Office of Civil Rights Notification of Acceptance of Administrative Complaint, February 20, 2015.

To: Dorka, Lilian[Dorka.Lilian@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]
From: Covington, Jeryl
Sent: Wed 3/16/2016 12:32:30 PM
Subject: **Ex. 6 - Personal Privacy**
EPA OCR Complaint 11R-14-R4 (ADR)

I have not received any contact from Will Hall in this regard. I believe that the ADR for REACH and Kettleman have been handed over to another ARDLO member as Will Hall is acting in another capacity.

I was informed of the ADR cancellation on March 7, 2016 via email from Ms. Engelman-Lado (attached)

From: Dorka, Lilian
Sent: Wednesday, March 16, 2016 8:28 AM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>
Subject: Re: **Ex. 6 - Personal Privacy**

Thanks Ericka! We will also need to send a letter to REACH parties asap confirming that ADR has ended and that OCR will resume its investigation. Did we check in w Will Hall on that? Don't want to send a letter without having checked in with him to confirm that ADR is over. Thanks! Also copying Jeryl in case she had follow up w Will last week.

Sent from my iPhone

On Mar 16, 2016, at 7:30 AM, Farrell, Ericka <Farrell.Ericka@epa.gov> wrote:

Good Morning Lilian,

Ex. 6 - Personal Privacy I will be working on the following:

11R-14-R4 (REACH)

- Reviewing RFI letter edits/comments
- Forward briefing documents and draft of RFI

07R-15-R6

- Review edits/comments from CRFLO and incorporate in letters

12U-16-R5

- Jurisdictional Review

Title VI meeting

REACH Meeting

Ericka Farrell

Office of Civil Rights

External Compliance

202-564-0717

To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]
Cc: Stein, Jonathan[Stein.Jonathan@epa.gov]
From: Covington, Jeryl
Sent: Mon 11/24/2014 2:33:15 PM
Subject: RE: Question re: Attachment
RE: REACH - can you find for us?

I had previously submitted a segregated listing of the attached. This is a subsection of the full listing (e.g., cattle , poultry, swine).

Jeryl W. Covington

Environmental Protection Specialist

U.S. Environmental Protection Agency

Office of Civil Rights|External Compliance Program

1200 Pennsylvania Avenue, N.W.|WJC-North|Rm 2524

Mail Code: 1201A

Washington, DC 20460

Desk: (202) 564-7713

Fax: (202) 501-1836

covington.jeryl@epa.gov

From: Wooden-Aguilar, Helena
Sent: Monday, November 24, 2014 9:27 AM
To: Covington, Jeryl; Farrell, Ericka
Cc: Stein, Jonathan; Wooden-Aguilar, Helena
Subject: Question re: Attachment
Importance: High

Ericka and Jeryl-

Do you think we could use the attachment (I found it on DENR's website) and plot the location of the swine/animal feeding operations? The list is mixed with cattle and other operations. If we can, I would like to see if we could use the mapping tool Jonathan has to plot the location then possibly see the demographic makeup. This seems like a pretty big exercise but I would like to be able to know what the demographic makeup of the general/individual permitted operations. If it is too big then we need to either contract it out or see if someone in the GIS community can assist us in EPA.

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights – US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

To: Yon, William[Yon.William@epa.gov]
From: Covington, Jeryl
Sent: Thur 1/22/2015 10:22:16 PM
Subject: RE: Earthjustice-REACH Complaint: Legal Theory Analysis

I have reviewed your information and shared it with Helena. She has requested your preparing a PowerPoint presentation on this information and presenting these findings to her, Jonathan, and myself.

Per your previous e-mail,

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy Is it possible for you to present this information to us on Friday, January 30, 2015? Please schedule your presentation through Outlook.

From: Yon, William
Sent: Tuesday, January 20, 2015 11:32 AM
To: Covington, Jeryl
Subject: RE: Earthjustice-REACH Complaint: Legal Theory Analysis

Hi Jeryl,

Find attached the completed memo. It is a general discussion of the theory, its elements of proof, and its application in the past federal court cases. It does not attempt to apply the theory to the EarthJustice complaint, however, on a general basis I doubt that the EarthJustice complaint is likely to require this analysis based on a cursory understanding of their disparate impact claims. However, if you'd like me to do this formal analysis, just let me know.

Additionally, if there are any changes you'd like to see made to the memo to increase its clarity, please do not hesitate to rip it apart and let me know. I love editorial criticism because that's the best way to get to a halfway decent finished work product.

Best,

Will

From: Covington, Jeryl
Sent: Thursday, January 08, 2015 6:41 PM
To: Yon, William
Subject: Earthjustice-REACH Complaint: Legal Theory Analysis

Ex. 5 - Deliberative Process

•□□□□□□□ Dis **Ex. 5 - Deliberative Process**

Post our discussion, Helena shared another theory to evaluate:

•□□□□□□□ **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Background on the Earthjustice/REACH Complaint

Recipient: North Carolina Department of the Environment and Natural Resources (NC DENR)

Complainant: Earthjustice on behalf of North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help (REACH), and Waterkeeper Alliance, Inc.

Ex. 5 - Deliberative Process

The following is a portion of the comments provided by Earthjustice to NC DENR related to the general permit renewal (permit no AWG100000:

“Waste from animal facilities operating under these permits has long been a major concern for the

citizens of North Carolina and particularly for the communities of color and low-income residents

in the eastern part of the state that are routinely subject to pollution from these facilities.

North Carolina permits more than two thousand five hundred animal facilities with the capacity to

raise more than 10 million swine, cattle, and poultry in confinement under its general permit

program.¹ These facilities generate a staggering amount of waste that pollutes North Carolina’s

surface water, groundwater and air, and injures neighboring communities. North Carolina’s general

permitting program for animal waste management systems should protect environment and these

communities from these facilities. Yet the

conditions in these permits are inadequate. On a daily basis, these facilities expose the citizens

of North Carolina to harmful pollution.

The proposed drafts of the general permits will not improve these conditions. But for minor technical amendments, the program that the Department of Environment and Natural Resources

(“DENR”) and the Division of Water Resources (“DWR”) is proposing is largely the same as its

predecessors. As experience has shown, the general permitting program does not fully protect the

state’s air, water, or citizens from pollution from animal facilities. Nonetheless, DENR has

proposed the same deficient program as the one that came before it. Just as troubling, the recent

consolidation of state agencies with province over animal facilities, budget cuts, and the drastic

reduction in the number of inspectors threaten to undermine DENR’s ability to oversee the general

permit program. The citizens of North Carolina need stronger

permit conditions with greater accountability.”

Attached is a copy of the complaint from Earthjustice to EPA.

I will touch base with you on Monday and provide additional information or clarity as needed; and discuss completion schedules with you.

To: Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Yon, William
Sent: Tue 1/20/2015 4:32:27 PM
Subject: RE: Earthjustice-REACH Complaint: Legal Theory Analysis
Deliberate Indifference Memo.docx

Hi Jeryl,

Find attached the completed memo. It is a general discussion of the theory, its elements of proof, and its application in the past federal court cases. It does not attempt to apply the theory to the EarthJustice complaint, however, on a general basis I doubt that the EarthJustice complaint is likely to require this analysis based on a cursory understanding of their disparate impact claims. However, if you'd like me to do this formal analysis, just let me know.

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To: Yon, William
Subject: Earthjustice-REACH Complaint: Legal Theory Analysis

Ex. 5 - Deliberative Process

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- Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

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communities from these facilities. Yet the

conditions in these permits are inadequate. On a daily basis, these facilities expose the citizens

of North Carolina to harmful pollution.

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minor technical amendments, the program that the Department of Environment and Natural Resources

(“DENR”) and the Division of Water Resources (“DWR”) is proposing is largely the same as its

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I will touch base with you on Monday and provide additional information or clarity as needed; and discuss completion schedules with you.

To: Covington, Jeryl[Covington.Jeryl@epa.gov]
Cc: Dorka, Lilian[Dorka.Lilian@epa.gov]
From: Bachle, Laura
Sent: Tue 5/17/2016 9:08:08 PM
Subject: FW: List of Complaints Under Investigation (May 2016).docx
List of Investigation (May 2016) 05.13.2016.docx

Hi Jeryl- Here's what I have from OGC on the list to send to DOJ. Could you take a look and make changes as needed? If there are any questions unresolved, let me know so that we can talk it through with Julia. We can then resubmit it to Lilian to send to Andrew.

Thanks!

-Laura

From: Rhodes, Julia
Sent: Friday, May 13, 2016 4:08 PM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Bachle, Laura <Bachle.Laura@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>
Cc: Harrell, Collette <Harrell.Collette@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: FW: List of Complaints Under Investigation (May 2016).docx

Attached is a revised chart. I apologize for the delay in getting back to you. This slipped through the cracks for me, so I appreciate your patience.

Just a few minor tweaks:

- [REDACTED] The heading of complaints under investigations doesn't appropriately convey the status of [Ex. 5 - Deliberative Process] so have proposed a change
- [REDACTED] It is not clear what the received column means when there is [Ex. 5 - Deliberative Process]
- [REDACTED] The [Ex. 5 - Deliberative Process] about enforcement doesn't appear to be captured, so we inserted a comment but didn't insert a new line in the chart.
- [REDACTED] [Ex. 5 - Deliberative Process] is about air as opposed to solid waste

- REACH is about general swine cafo permits as opposed to storm water

Ex. 5 - Deliberative Process

- Some questions about the status of the response to RFIs from recipients last week.

Ex. 5 - Deliberative Process

If you have any questions, please do not hesitate to contact me.

Julia Rhodes

Assistant General Counsel for the Civil Rights Practice Group

Civil Rights and Finance Law Office

Office of General Counsel

Environmental Protection Agency

1200 Pennsylvania Avenue, NW, 2399A

Washington, DC 20460

Phone: 202.564.1417

From: Dorka, Lilian

Sent: Thursday, May 05, 2016 6:51 PM

To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Bachle, Laura <Bachle.Laura@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Subject: RE: List of Complaints Under Investigation (May 2016).docx

Importance: High

Excellent job Jeryl, thanks! Folks, I think this is good to go to DOJ. OGC colleagues, I am out tomorrow but could you please let Jeryl and Laura know if you have any edits, questions, etc.? And, could you please facilitate getting this over to Andrew tomorrow? Thanks so much for your help! Lilian

From: Covington, Jeryl

Sent: Thursday, May 05, 2016 4:59 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Bachle, Laura <Bachle.Laura@epa.gov>

Subject: List of Complaints Under Investigation (May 2016).docx

Attach is a draft of the current T6 complaints under investigation.

The current status and a generalized statement of the allegation(s) are included.

To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Hall, William[Hall.William@epa.gov]; O'Lone, Mary[o'lonemary@epa.gov]
From: Covington, Jeryl
Sent: Wed 1/6/2016 4:55:04 PM
Subject: RE: REACH - FW: Opposition to "Motion to Intervene"

Mr. Hall just stopped by my desk to discuss the receipt of the correspondence from the complainant's representative. One of the discussion points included this option. Other options included:

- Continuing the ADR process. With an ADR settlement agreement in hand, sharing the agreement with the public (including the associations);
- Speaking with the recipient about the associations' overture.

On a separate note, the PRs for the mediators' contracts need to be executed as soon as possible. During January 2016, mediation sessions will begin and funding needs to be in place to authorize these contracts.

From: Wooden-Aguilar, Helena
Sent: Wednesday, January 06, 2016 11:24 AM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Hall, William <Hall.William@epa.gov>; O'Lone, Mary <o'lonemary@epa.gov>
Subject: RE: REACH - FW: Opposition to "Motion to Intervene"

Agree with Mary and Lilian. This should be decided by the parties.

From: Dorka, Lilian
Sent: Wednesday, January 06, 2016 10:54 AM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>; Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Hall, William <Hall.William@epa.gov>; O'Lone, Mary <o'lonemary@epa.gov>
Subject: RE: REACH - FW: Opposition to "Motion to Intervene"

I agree with Mary's prior recommendation that we not grant this industry request to "intervene." I think I send a note out to this effect before the holidays but I think the success of the ADR process depends on total agreement between the parties and unless the recipient and complainants agree that they want a third party (such as the industry rep) included, OCR should not interfere with the mediation process by introducing a new party. In my opinion, that should be left to the formal ADR participants.

From: Covington, Jeryl

Sent: Wednesday, January 06, 2016 10:21 AM

To: Golightly-Howell, Velveta <Golightly-Howell.Velveta@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Hall, William <Hall.William@epa.gov>

Subject: REACH - FW: Opposition to "Motion to Intervene"

Importance: High

My apologies for failing to forward the attached prior to this morning. It appears as though I lost email service Tuesday afternoon and am just receiving such messages this morning.

The attached correspondence is from the complainant's representative with respect to the pork associations' request for participation in the ADR process. This information may be duplicative in nature as it is addressed to Velveta and may have been forward to a host of others.

The following is a snapshot of a portion of this correspondence stating the objection to this participation.

We strongly object to the improper and unprecedented attempt by the National Pork Producers Council and North Carolina Pork Council (collectively, "Pork Councils") to intrude in this administrative process and urge you to reject their request in a timely way. The Pork Councils' self-styled "motion to intervene" is not proper under any legal authority.

In addition to the citation references to policies and guidance (OCR and DOJ), the representative notes a concern about confidentiality with respect to the ADR process. Specifically, "complainants have raised concerns about the scope of confidentiality on multiple occasions suggested that confidentiality extend only to the content of mediation and not the fact that the parties are engaging in ADR. It was our understanding that this was an issue that would be on the table when we began mediation." Hence this understanding, the parties received information from Ex. 6 - Personal Privacy that they were not bound to keep the fact of the mediation confidential.

The correspondence closes with a request for a response.

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]
Sent: Tuesday, January 05, 2016 5:11 PM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>
Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>
Subject: Opposition to "Motion to Intervene"

Jeryl,

Attached please find a letter sent by complainants to the Director today in response to the request by the National Pork Producers Council and the North Carolina Pork Council that they "intervene" in the administrative complaint and ADR. Complainants strongly object and ask OCR to reject the request in a timely way.

Please let me know if the letter raises any question.

Best,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org



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delete the message and any attachments.

To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]
From: Covington, Jeryl
Sent: Mon 3/2/2015 9:58:59 PM
Subject: RE: Briefing Doc for REACH -URGENT
FW: REACH summary for ADR

I have already submitted to your attention a copy of the documentation provided to Will Hall. Was there another copy/edition?

-----Original Message-----

From: Wooden-Aguilar, Helena
Sent: Monday, March 02, 2015 4:56 PM
To: Covington, Jeryl; Farrell, Ericka
Subject: Briefing Doc for REACH -URGENT

Please pull the earlier ADR doc and draft TPs for management/me to use for the briefings and DCRO mtg.

I need this by 11 am tomorrow.

Thanks,

Helena

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

>

To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
From: Covington, Jeryl
Sent: Tue 3/3/2015 2:05:12 PM
Subject: RE: Draft REACH Talking Points - DCRO Mtg
For Review by Director: Materials for REACH Discussion

Per your request to utilize the preliminary case management plan in identifying the legal theory in addressing the REACH complaint, the attached is the latest copy of the referenced plan (email to the Director dated December 11, 2014). Do you have a more recent version?

I am aware that some timelines and off-ramp documents/emails have been drafted; however, my review of these did not contain copy of a revised plan.

From: Wooden-Aguilar, Helena
Sent: Monday, March 02, 2015 8:03 PM
To: Covington, Jeryl
Subject: Re: Draft REACH Talking Points - DCRO Mtg

This is what we need! Can you add this to the briefing doc and then leave a bullet for the theory? The theory bullet can be taken from the prelim case management plan.

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Mar 2, 2015, at 5:37 PM, "Covington, Jeryl" <Covington.Jeryl@epa.gov> wrote:

Here are some of my initial thoughts with respect to DCRO talking points. I will re-review and finalize in the morning.

- On February 20, 2015, the Office of Civil Rights accepted the September 3, 2014 administrative complaint filed against the North Carolina Department of Environment and Natural Resources (DENR) by Earthjustice on behalf of North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help (REACH), and Waterkeeper Alliance, Inc.

- The Office of Civil Rights accepted the following allegation that the North Carolina Department of Environment and Natural Resources' renewal of a National Pollutant Discharge Elimination System (NPDES) general permit (State General Permit NO. AWG 100000) "allows industrial swine facilities in North Carolina to operate with grossly inadequate and outdated systems of controlling animal waste and little provision for government oversight, which has an unjustified disproportionate impact on the basis of race and national origin against African Americans, Latinos and Native Americans in violation of Title VI of the Civil Rights Act of 1964...."

- The complaint alleges that as a result of the general permit issuance, surrounding residents have had health impairments, and quality of life and other community adverse impacts. The complaint provided copies of health, and environmental studies and reports to substantiate their complaint. To date, none of these studies or reports have been verified for relevancy/accuracy by OCR or EPA offices or programs.

- During the preliminary phase of the investigation, the Office of Civil Rights has consulted with the Department of Justice; EPA's Region 4 office; the Offices of Water, Air, and Environmental Justice; and the Conflict Prevention and Resolution Center discuss approaches to investigation or resolve the complaint.

- On Monday, March 2, 2015, the complainant's representative indicated that their clients were interested in pursuing alternative dispute resolution (ADR) with DENR. DENR has made inquiry with respect to (ADR). OCR will coordinate these activities.

To: Rhodes, Julia[Rhodes.Julia@epa.gov]; O'Lone, Mary[olone.mary@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Thur 11/6/2014 2:00:26 AM
Subject: Fwd: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

.....
See below.

So from her email this is intended to be interactive not simply listen to DOJ. Thoughts?

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Neal, Daria (CRT)" <Daria.Neal@usdoj.gov>
Date: November 5, 2014 at 5:34:49 PM EST
To: "'Wooden-Aguilar.Helena@epa.gov'" <Wooden-Aguilar.Helena@epa.gov>
Cc: "Lareau, Alyssa (CRT)" <Alyssa.Lareau@usdoj.gov>, "Fitzpatrick, Ryan (CRT)" <Ryan.Fitzpatrick2@usdoj.gov>
Subject: Re: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Ex. 5 - Deliberative Process

I think that's it for now but you know things will pop during our talk.

Daria

From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]
Sent: Wednesday, November 05, 2014 04:58 PM Eastern Standard Time
To: Neal, Daria (CRT)
Subject: Re: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Thx! I wanted to ask are you traveling here or via telephone? Also, should OCR create a agenda? Is there docs we need to review prior? Just want to be prepared. Helena

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Nov 5, 2014, at 12:58 PM, "Neal, Daria (CRT)" <Daria.Neal@usdoj.gov> wrote:

Hi Helena,

2:00 will work for us. Thanks.

Daria

From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]
Sent: Tuesday, November 04, 2014 6:12 PM
To: Neal, Daria (CRT)
Cc: Whickum, Cheryl; Covington, Jeryl
Subject: Re: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Sorry. Confused the DOJ meetings.

We are free at 2 pm. Does that work?

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Nov 3, 2014, at 1:29 PM, "Neal, Daria (CRT)" <Daria.Neal@usdoj.gov> wrote:

Hi Helena,

Any time after 11 will work for us. Thanks.

From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]
Sent: Monday, November 03, 2014 1:13 PM
To: Neal, Daria (CRT)
Cc: Whickum, Cheryl
Subject: RE: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Daria-

What times work for DOJ? We are open on our end.

Helena

From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]
Sent: Monday, November 03, 2014 1:12 PM
To: Golightly-Howell, Velveta
Cc: O'Lone, Mary; Lareau, Alyssa (CRT); Packard, Elise; Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Gelman, Laurie (CRT); Rhodes, Julia
Subject: RE: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Thanks Velveta. We look forward to pinning down a time Friday.

From: Golightly-Howell, Velveta [<mailto:Golightly-Howell.Velveta@epa.gov>]
Sent: Saturday, November 01, 2014 9:37 AM
To: Neal, Daria (CRT)
Cc: O'Lone, Mary; Lareau, Alyssa (CRT); Packard, Elise; Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Gelman, Laurie (CRT); Rhodes, Julia
Subject: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hi Daria. Your message fell and I'm just seeing it. By now, you know from Helena that we're planning to meet w/you, et al. next Friday. Thanks for letting us know it'll work. We'll need to schedule the meeting for the afternoon. As for the letter, as I let you know at DOJ's 10/2 Title VI training, the draft was under review by senior officials. It still is. We, however, anticipate that it'll be issued soon. Take care everyone.

Velveta

From: Neal, Daria (CRT) <Daria.Neal@usdoj.gov>
Sent: Thursday, October 30, 2014 5:13:29 PM
To: Golightly-Howell, Velveta; Rhodes, Julia
Cc: O'Lone, Mary; Lareau, Alyssa (CRT); Packard, Elise; Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Gelman, Laurie (CRT)
Subject: RE: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hello Velveta and Julia,

Ex. 5 - Deliberative Process

As far as dates for us, Fridays are generally not good. It looks like Tuesdays or Thursdays the next few weeks may work but there are a few holidays that may make scheduling a challenge.

Thanks.

Daria

From: Golightly-Howell, Velveta [<mailto:Golightly-Howell.Velveta@epa.gov>]
Sent: Thursday, October 23, 2014 5:57 PM
To: Neal, Daria (CRT)
Cc: O'Lone.Mary@epa.gov; Lareau, Alyssa (CRT); Packard, Elise; Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Rhodes, Julia
Subject: Re: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hi Daria. Hope all's well w/you. I'll be traveling the week of 11/3 and the following week. I can meet on 11/14, 11/15, 11/21 or the week of Thanksgiving. We look forward to finding a date/time tat work. Take care.

Velveta

From: Neal, Daria (CRT) <Daria.Neal@usdoj.gov>
Sent: Thursday, October 23, 2014 3:23:59 PM
To: Golightly-Howell, Velveta; Wooden-Aguilar, Helena; Rhodes, Julia
Cc: O'Lone.Mary@epa.gov; Lareau, Alyssa (CRT); Packard, Elise; Fitzpatrick, Ryan (CRT)
Subject: RE: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hello Velveta, Helena, and Julia.

I hope all is well. We would like to schedule a time to talk during the week of November 3rd to update you on our review of the complainant's disparity analysis and discuss DOJ's technical assistance as you move forward on the investigation. Can you please let us know some dates and times you are

available)?

Thanks.

Best,

Daria

Daria E. Neal

Deputy Chief

Federal Coordination and Compliance Section

Civil Rights Division

United States Department of Justice

Email: daria.neal@usdoj.gov

Tel: (202) 305-3346

Fax: (202) 307-0595

Follow the Civil Rights Division on Twitter: [@CivilRights](https://twitter.com/CivilRights)

Sign up [here](#) for our Title VI Newsletter, and read past issues [here](#).

From: Golightly-Howell, Velveta [<mailto:Golightly-Howell.Velveta@epa.gov>]

Sent: Friday, September 26, 2014 6:36 PM

To: Neal, Daria (CRT)

Cc: Jang, Deeana (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Rhodes, Julia; O'Lone.Mary@epa.gov; Lareau, Alyssa (CRT); Packard, Elise

Subject: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Thank you Daria. We'll follow up to reply to DOJ's offer of technical assistance ASAP.

Velveta

From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]

Sent: Friday, September 26, 2014 6:09 PM

To: Golightly-Howell, Velveta; Lareau, Alyssa (CRT)

Cc: Jang, Deeana (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Rhodes, Julia; O'Lone.Mary@epa.gov

Subject: RE: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hi Velveta,

Ex. 5 - Deliberative Process

Have a good weekend.

Daria

From: Golightly-Howell, Velveta [<mailto:Golightly-Howell.Velveta@epa.gov>]

Sent: Wednesday, September 24, 2014 8:38 PM

To: Lareau, Alyssa (CRT); Neal, Daria (CRT)

Cc: Jang, Deeana (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Rhodes, Julia; O'Lone.Mary@epa.gov

Subject: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hi Alyssa and Daria. We appreciated your and Ryan meeting with us today.

Daria, in response to my question, you mentioned various types of TA DOJ can offer EPA. We want to ensure that none were missed. Would you please send Helena and me a list of them and copy Julia and Mary? As she said, Helena will forward the info you requested ASAP. Bye everyone.

Velveta

From: Lareau, Alyssa (CRT) <Alyssa.Lareau@usdoj.gov>
Sent: Tuesday, September 23, 2014 2:51:39 PM
To: Golightly-Howell, Velveta; Neal, Daria (CRT)
Cc: Jang, Deeana (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Wooden-Aguilar, Helena
Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

All,

We are looking forward to our phone discussion at noon tomorrow. Let's use the following call in information:

Ex. 6 - Personal Privacy

Let me know if you have any questions.

Alyssa

Alyssa C. Lareau

Attorney

Federal Coordination and Compliance Section

U.S. Department of Justice - Civil Rights Division

Direct: (202) 305-2994 [voice]

alyssa.lareau@usdoj.gov

<http://www.justice.gov/crt/about/cor/>

From: Golightly-Howell, Velveta [<mailto:Golightly-Howell.Velveta@epa.gov>]
Sent: Monday, September 22, 2014 5:28 PM
To: Neal, Daria (CRT)
Cc: Jang, Deeana (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Wooden-Aguilar, Helena

Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

Hi Daria. While I'd welcome the opportunity to sit down with you all, I have a meeting with a regional official that's not scheduled to end until noon on the 24th. Take care.

Velveta

Velveta Golightly-Howell

Director, Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Mail Code 1201A

Washington, DC 20460

202-564-6685

From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]

Sent: Monday, September 22, 2014 5:20 PM

To: Wooden-Aguilar, Helena

Cc: Golightly-Howell, Velveta; Jang, Deeana (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT)

Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

Hi Helena,

That works well for us. Would you prefer to meet in person or by phone? We can come to your office.

Daria

From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]

Sent: Monday, September 22, 2014 3:08 PM

To: Neal, Daria (CRT)

Cc: Golightly-Howell, Velveta; Jang, Deeana (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT)

Subject: Re: Complaint under Title VI of the Civil Rights Act of 1964

Hi Daria

I am working on scheduling this meeting. How does the 24th at noon work for you and others at Justice?

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Sep 18, 2014, at 12:49 PM, "Neal, Daria (CRT)" <Daria.Neal@usdoj.gov> wrote:

Hi Velveta and Helena,

Ex. 5 - Deliberative Process

Can you let us know some dates over the next two weeks that you are available to meet?

Also, we are missing some parts of the exhibits. If you have the following, can you please email them to us.:

∇ Vol I - Exs 1-26. The pdf stopped at Ex 6, sub-exhibit 11 (We have Ex. 6, the Declaration of **Ex. 6 - Personal Privacy** and sub-exhibits 1-11 of that Declaration but not sub-exhibits 12-17 of that declaration). We are missing Exhibits 7-26 in their entirety.

∇ Ex 39 documents are very blurry. Did you all receive a clear copy?

Thank you so much.

Daria

From: Jocelyn D'Ambrosio [<mailto:jdambrosio@earthjustice.org>]

Sent: Wednesday, September 03, 2014 6:39 PM

To: 'mccarthy.gina@epa.gov'; 'Title_VI_Complaints@epa.gov'

Cc: 'wooden-aguilar.helena@epa.gov'; 'Tejada.matthew@epa.gov'; 'McTeertoney.heather@Epa.gov'; 'Halim-Chestnut.naima@Epa.gov'; Neal, Daria (CRT); 'tom.reeder@ncdenr.gov'; 'christine.lawson@ncdenr.gov'; 'naeema1951@gmail.com'; 'djhall7@aol.com'; 'lbaldwin@waterkeeper.org'

Subject: Complaint under Title VI of the Civil Rights Act of 1964

Dear Administrator McCarthy and Ms. Golightly-Howell,

On March 7, 2014, the North Carolina Department of Environment and Natural Resources (“DENR”) issued a general permit that allows industrial swine facilities in North Carolina to operate with grossly inadequate and outdated systems of controlling animal waste and little provision for government oversight, which has an unjustified disproportionate impact on the basis of race and national origin against African Americans, Latinos, and Native Americans in violation of Title VI of the Civil Rights Act of 1964 and EPA’s implementing regulations.

North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help, and Waterkeeper Alliance, Inc. (“Complainants”) hereby submit the attached complaint against DENR and request that EPA investigate the complaint and require that DENR come into compliance with the law.

As you may know, Complainants and other community members in eastern North Carolina have complained to DENR about the adverse effects of the swine industry on their health and environment for years, to no avail. Today, Complainants ask that EPA take action.

We will be forwarding exhibits by separate email and, also, sending hard copies overnight by Federal Express to each of your offices. Of course, please let us know if these materials raise any question. We would welcome the opportunity to discuss the complaint.

Sincerely,

Jocelyn D’Ambrosio and Marianne Engelman Lado

Jocelyn D’Ambrosio

Associate Attorney

Earthjustice Northeast Office

48 Wall Street, 19th Floor
New York, New York 10005

T: 212-845-7385
F: 212-918-1556
earthjustice.org

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To: Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Thur 9/18/2014 6:21:00 PM
Subject: Fwd: Complaint under Title VI of the Civil Rights Act of 1964
[image001.gif](#)

.....
>>>>
FYI.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Neal, Daria (CRT)" <Daria.Neal@usdoj.gov>
Date: September 18, 2014 at 12:49:06 PM EDT
To: "Golightly-Howell.Velveta@epa.gov" <Golightly-Howell.Velveta@epa.gov>, Helena Wooden Aguilar <wooden-aguilar.helena@epamail.epa.gov>
Cc: "Jang, Deeana (CRT)" <Deeana.Jang@usdoj.gov>, "Lareau, Alyssa (CRT)" <Alyssa.Lareau@usdoj.gov>, "Fitzpatrick, Ryan (CRT)" <Ryan.Fitzpatrick2@usdoj.gov>
Subject: FW: Complaint under Title VI of the Civil Rights Act of 1964

Hi Velveta and Helena,

Ex. 5 - Deliberative Process

Can you let us know some dates over the next two weeks that you are available to meet?

Also, we are missing some parts of the exhibits. If you have the following, can you please email them to us.:

∇ Vol I - Exs 1-26. The pdf stopped at Ex 6, sub-exhibit 11 (We have Ex. 6, the Declaration of Larry Baldwin and sub-exhibits 1-11 of that Declaration but not sub-exhibits 12-17 of that declaration). We are missing Exhibits 7-26 in their entirety.

✓ Ex 39 documents are very blurry. Did you all receive a clear copy?

Thank you so much.

Daria

From: Jocelyn D'Ambrosio [<mailto:jdambrosio@earthjustice.org>]
Sent: Wednesday, September 03, 2014 6:39 PM
To: 'mccarthy.gina@epa.gov'; 'Title VI Complaints@epa.gov'
Cc: 'wooden-aguilar.helena@epa.gov'; 'Tejada.matthew@epa.gov'; 'McTeertoney.heather@Epa.gov'; 'Halim-Chestnut.naima@Epa.gov'; Neal, Daria (CRT); 'tom.reeder@ncdenr.gov'; 'christine.lawson@ncdenr.gov'; naeema1951@gmail.com; 'dijhall7@aol.com'; 'baldwin@waterkeeper.org'
Subject: Complaint under Title VI of the Civil Rights Act of 1964

Dear Administrator McCarthy and Ms. Golightly-Howell,

On March 7, 2014, the North Carolina Department of Environment and Natural Resources ("DENR") issued a general permit that allows industrial swine facilities in North Carolina to operate with grossly inadequate and outdated systems of controlling animal waste and little provision for government oversight, which has an unjustified disproportionate impact on the basis of race and national origin against African Americans, Latinos, and Native Americans in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulations.

North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help, and Waterkeeper Alliance, Inc. ("Complainants") hereby submit the attached complaint against DENR and request that EPA investigate the complaint and require that DENR come into compliance with the law.

As you may know, Complainants and other community members in eastern North Carolina have complained to DENR about the adverse effects of the swine industry on their health and environment for years, to no avail. Today, Complainants ask that EPA take action.

We will be forwarding exhibits by separate email and, also, sending hard copies overnight by Federal Express to each of your offices. Of course, please let us know if these materials raise any question. We would welcome the opportunity to discuss the complaint.

Sincerely,

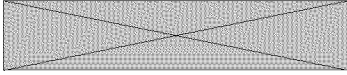
Jocelyn D'Ambrosio and Marianne Engelman Lado

Jocelyn D'Ambrosio

Associate Attorney

Earthjustice Northeast Office

48 Wall Street, 19th Floor
New York, New York 10005
T: 212-845-7385
F: 212-918-1556
earthjustice.org



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To: Farrell, Ericka[Farrell.Ericka@epa.gov]; Fitzpatrick, Ryan (CRT)[Ryan.Fitzpatrick2@usdoj.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]; Moffa, Anthony[Moffa.Anthony@epa.gov]; Lareau, Alyssa (CRT)[Alyssa.Lareau@usdoj.gov]
From: O'Lone, Mary
Sent: Wed 2/18/2015 7:55:43 PM
Subject: Re: Staff call re potential RFI content
EPA DOJ compare RFI draft 2.18.docx

For the call today, it will be easier to focus on this combined version that puts the ones that Ryan, Anthony, & I have come up with for the REACH complaint. See attached. Ryan's are the ones in track changes.

Ericka & Jeryl-

If you think one of the Arrowhead questions it relevant & the content is not already covered, then please mention it on the call so we can discuss.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Farrell, Ericka
Sent: Wednesday, February 18, 2015 2:49 PM
To: Fitzpatrick, Ryan (CRT); O'Lone, Mary
Cc: Covington, Jeryl; Moffa, Anthony; Lareau, Alyssa (CRT)
Subject: RE: Staff call re potential RFI content

Hey Ryan,

We want to follow some of the questions we may have used from another case for the same complainant representative. I am sharing the questions that pertain strictly too this complaint but there are other questions that we may want to follow that we have not discussed yet with our management that we may want to utilize for this complaint.

From: Fitzpatrick, Ryan (CRT) [mailto:Ryan.Fitzpatrick2@usdoj.gov]
Sent: Wednesday, February 18, 2015 2:16 PM
To: Farrell, Ericka; O'Lone, Mary
Cc: Covington, Jeryl; Moffa, Anthony; Lareau, Alyssa (CRT)
Subject: RE: Staff call re potential RFI content

Hey Ericka,

Our draft is just staff-level work, it hasn't been reviewed or approved of and is meant to just kind of let you all know the direction of our thinking.

Ryan N. Fitzpatrick

Presidential Management Fellow Program Analyst

Federal Coordination and Compliance Section

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

(202) 353-4084

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[Sign up for our Title VI Newsletter, and read the Fall 2014 Issue](#)

From: Farrell, Ericka [mailto:Farrell.Ericka@epa.gov]

Sent: Wednesday, February 18, 2015 2:13 PM
To: O'Lone, Mary; Fitzpatrick, Ryan (CRT)
Cc: Covington, Jeryl; Moffa, Anthony; Lareau, Alyssa (CRT)
Subject: RE: Staff call re potential RFI content

Hey Mary,

We have some draft questions but we will not be disclosing until they have been reviewed.

Ericka

From: O'Lone, Mary
Sent: Wednesday, February 18, 2015 11:51 AM
To: Fitzpatrick, Ryan (CRT)
Cc: Covington, Jeryl; Moffa, Anthony; Farrell, Ericka; Lareau, Alyssa (CRT)
Subject: Re: Staff call re potential RFI content

Attached is the draft that Anthony & I have been working on.

Look forward to seeing yours & any Jeryl & Ericka may have come up with.

Thanks,

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Fitzpatrick, Ryan (CRT) <Ryan.Fitzpatrick2@usdoj.gov>
Sent: Wednesday, February 18, 2015 9:44 AM
To: O'Lone, Mary
Subject: RE: Staff call re potential RFI content

We'll be on the call. I'm working on getting my draft out ASAP

Ryan N. Fitzpatrick

Presidential Management Fellow Program Analyst

Federal Coordination and Compliance Section

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

(202) 353-4084

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-----Original Appointment-----

From: O'Lone, Mary [<mailto:OLone.Mary@epa.gov>]
Sent: Wednesday, February 18, 2015 8:04 AM
To: Fitzpatrick, Ryan (CRT); Moffa, Anthony; Lareau, Alyssa (CRT); Covington, Jeryl; Farrell, Ericka
Subject: Staff call re potential RFI content
When: Wednesday, February 18, 2015 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference call in number is Ex. 6 - Personal Privacy more directions below)

I am still planning on talking today.

Let me know if anything has changed.

Am working on draft this morning & will circulate by noon.

Everyone else, please also circulate what you have been working on

Ex. 6 - Personal Privacy

To: Isales, Daniel[Isales.Daniel@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Wilson, Adam[wilson.adam@epa.gov]
From: O'Lone, Mary
Sent: Thur 11/3/2016 6:28:07 PM
Subject: RE: REACH - Updated table of declarations per our discussion today (JWC Edit: DRAFT Interview Questions)
[Draft interview questions.mmo.docx](#)

Great list.

My quick first set of comments on them.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Isales, Daniel
Sent: Thursday, November 03, 2016 10:46 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: REACH - Updated table of declarations per our discussion today

My initial thoughts on the list of questions attached. My own style is to try to make things more of a conversation than an interrogation so I would use this list to make sure that I've covered everything, but I would not necessarily ask every question or proceed in this order. Thanks, Dan

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

Isales.daniel@epa.gov

From: O'Lone, Mary

Sent: Wednesday, November 02, 2016 6:28 PM

To: Isales, Daniel <Isales.Daniel@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>

Subject: REACH - Updated table of declarations per our discussion today

I added a column that I hope aligns with Johahna's map (at least through tier 1).

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client; Ex. 6 Privacy

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

I already sent her the cost estimate based on flying to Raleigh, etc..

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

Monday, November 14, 2016 9:30am

Conducted by Naima Halim-Chestnut, Jeryl Covington and Mary Olone

Meeting with **Ex. 6 - Personal Privacy** along with Elizabeth and **Ex. 6 - Personal Privacy**

General observations from the interview team: outside is moist and cloudy 51 degrees, upon entering the home is a faint smell of hog, inside the home the smell is not as apparent, there are flies in the home. Also visibly apparent are several cans of raid, Lysol disinfectant, deodorizer, and carpet freshener.

What is a typical week in Duplin County: foul smell, truck going through, one time a dead hog was dropped in the road and wasn't picked up leaving flies and other bugs, morning and afternoons there are back to back trucks with trailers full of hogs—there is a big problem when it rains

Ex. 6 - Personal Privacy recalls a story when he used to haul dead hogs and how many times his truck was leaking and the county trooper would stop him look into the truck and tell him to have a good day, he would see black maggots (never and seen that before), one time the water from the hog leaked out and hit him on his back and left him with a rash that he had to treat for over a month.

He has experienced ill health effects including a kidney stone. He cannot drink the city water, has to buy bottled water.

He is on city water, but only because they told him that he needed to get the water at the time they were there otherwise he would have to pay \$500 later to get connected. He says the water sometimes smells, is brown, cloudy and musty—they use so much chlorine that they can smell is sometimes and taste it

Ex. 6 - Personal Privacy tells a story about a truck driver who was wearing new shoes stepped out of his truck one day into a puddle of water and whatever was in the water ate through his shoes, he complained that his feet were hurting and his "toes were ate off" and he later died within 3 months of this happening.

He is not looking to be a millionaire, he just wants to be an heir to good water and a good environment

He is not on city water, he dug his well deeper and uses his well water, but has to be aware of an earthquake that will disrupt his water quality

Ex. 6 - Personal Privacy talks about the water being brown, he has well water and it has been tested before and they say it is contaminated ask. He had his well tested 7-8 years ago. He was never notified of the results. He was told that if he wanted city water they would go by his income. He cannot wash his clothes in the water because they smell sometime

General responses to questions

- Property value has no value (a penny an acre) Ex. 6 - Personal Privacy
- Spraying happens in the morning
- When he has reported to DENR he has been referred and transferred and cannot get through and nothing is ever done about it? Ex. 6 - Personal Privacy
- When reports do go in and inspections happen the farmers are notified and then they do not spray on those days or clean up so there are no real violations apparent Ex. 6 - Personal Privacy
- When he has reported to the county or the state (Murphy) asking them to cover it up because of the smell—someone came down and covered the manure up with a cover
- Are any of your neighbors also complaining? Some of the neighbors are family (cousins, etc.) who do not get involved, they let him be the front man Ex. 6 - Personal Privacy

Health Effects:

- People have asthma and are buying bottled water
- Mr Wallace used to keep children back in the day—used to have a basketball court and a baseball team but the young people have moved out—the smell moved them away
- Terrible flies throughout the year—big horseflies that eat them up—different types that bite or are a nuisance Ex. 6 - Personal Privacy
- Used to use a grill but hasn't in a long time Ex. 6 - Personal Privacy

Is there anything recent you would like to add:

- Ex. 6 - Personal Privacy a detour was coming by his house and the trucks needed to come through—wastewater would fly from the trucks and be in the street. There would be grease on the highway and it would only be cleaned up if people complained to the number on the side of the truck. It stinks and its greasy, and the film is hard to wash off the car.

Home of N **Ex. 6 - Personal Privacy**

November 14, 2016 11:00am

Conducted by Naima Halim-Chestnut, Jeryl Covington and Mary Olone

General observations: Cloudy temperature 54 degrees, no visible smell outside or inside at first but the longer you sat the more the smell became apparent. Flies in the home

Ex. 6 - Personal Privacy

Is there anything different or changed in the last couple of years since they signed their declaration:

Nothing has changed, the sprayers are causing a foul odor, the flies are getting worse, she can't hang her clothes to dry, hog trucks come through and make the flies worse.

How often do the hog trucks go by **Ex. 6 - Personal Privacy** 2-3 times per week usually in the morning around 9:30/10am and in the evenings. States that you should not get behind the truck because the smell is so bad it will make you want to vomit. If the sprayer gets on your car the grease will be hard to get off

In her previous home that was nearer to the facility the sprayer would get on her mailbox and the smell was so bad she couldn't hang out her clothes. In this home and her previous home she could not open the windows, or play in the yard or sit on the porch. It is miserable. More than half of the time she cannot go outside for normal activities. There is no comfort outside like it used to be.

Have you complained to DENR before? No they never complained because they didn't think it would do any good, and thought people were evil and sneaky she never wanted them to know about her and feared what they would do to her or her mother or aunt. **Ex. 6 - Personal Privacy** had heard that after someone complained she heard that the hog farmers had followed them to get them to stop from speaking out

Where do you get your drinking water?: They used to have well water, but now have county water since about 1997/98 and her mother has been on the count water since about 1980. The water is nasty and has a bad taste with an eggy smell and a slight cloudiness.

They were told they needed to get on county water at the time it was offered or else they would have to pay a cost to do it later?

Are there any dead boxes that you see? Yes off of Dark Branch Road

Ex. 6 - Personal Privacy

she works 12 hour days

Usually in the winter and when it rains, the smell is better, it rained very hard yesterday

Property value: hasn't checked the property value recently but thinks that it has depreciated due to the smell and the hog farms

Cannot have cookouts like they used to when she was younger—can only do it on special occasions or when family comes in—but they complain about the smell and the flies

Health effects: never had allergies until she moved to 668 Serector Rd—including irritated eyes, her family member (mothers brother who used to live next door and died a few years ago) was on a breathing machine and oxygen. During the summer it is harder to breathe and makes you want to vomit. Breathing in is difficult.

There are no small children in the home—just grandchildren may come to visit

Is there anything else: No

November 14, 2016 2:27pm

Complainant: **Ex. 6 - Personal Privacy** no video recording allowed per Alexas with Earth Justice along with Davon Hall co-founder of REACH

General Observations: Lives directly across the street from a spray facility, no visible flies unlike the other homes, cloudy and 60 degrees –light smell when we went into the home but it was very apparent when we were leaving (REACH Davon talked about the difference in smell having to do with the wind pattern)

Is there anything that has changed/new issues or conditions that have come up: Nothing new

What is a typical day here: usually she gets up in the morning and goes to work, she cannot open the windows due to the flies and the smell. She doesn't go outside unless she has to.

How would you rate the smell of today based on a normal day: about 25%, it's really light, normally after they spray they can smell it the next day. There is no set time, it could be day or night and sometimes even on Sundays. What's the duration of a spray: Maybe 8-9 hours, sometimes it runs all night long (24 hours). When you see the sprayer activation what color is it? black and white mist. Sometimes depending on the direction of the wind, this can get anywhere

There is a dead box about a half mile from the house—there are trucks that go through here all the time

How often do you see them service the dead box? Twice a day (morning and evening)

How does it smell and what does it look like when they pick up the box: Smells awful like a month of decomposed bodies and the buzzards come out to eat the carcass

There is a flag that is put up when they are ready to pick up the dead box

Sometimes sees the property owner; he told her once to stay off his property, when it sprays it gets on her property; once she was out taking a picture of the sprayer and the property owner took a picture of her trying to intimidate her

What kind of health effects have you experienced? Over the years she has experienced sinus problems and sarcoidosis (always been a nonsmoker) and has been in this home since 1979

She cannot hang her clothes out to dry she states that when she does that's the time the farmer will start spraying so she has to take her clothes down to her daughters house to use her dryer

November 14, 2016 5:00pm

Witness:

Ex. 6 - Personal Privacy

Conducted by Naima Halim-Chestnut, Jeryl Covington and Mary Olone

General observations: Rain mist, cloudy, visible smells, 54 degrees- no flies in the house, there are 10 hog facilities within 1 mile of this home –each of them having at least 4 hog homes)

How long have you lived in this house: about 16 years, there was another home here that he was born in but it blew away/damaged due to the hurricanes

What is a typical week like at the house: some days during the week they like to hang their clothes out to dry and they cannot. His children do not like the smell so they do not come over often. The trucks come by to pick up the dead box and they leave an odor. There is a sprayfield to the south of the house

Describe the odor-the strength of it and how it affects you: it is a strong odor of stink—some days are stronger than others. The smell comes according to the way the wind blows; however, even when they are not spraying depending on the wind the smell can still be apparent. Sometimes I cannot even smell it (I have become immune to some of the smells). Does not suffer from any health effects as a result.

What days of the week do you smell the stench: It could be any day of the week

Have the operators ever told you the days they would spray or come to speak with you at all about the operations? No, I have never had any contact with the owner, operators or the workers

Have you seen the sprayfield spraying over the ditch: Yes, the one time I saw it I took a picture of it. Did you report this to anyone: No?

How many hog houses do the farmers have around you? They have at least 4 houses/barns on each facility

How often do you see the delivery or pick up of the animals: The only ones I see are the ones directly behind me, not really sure, but I don't see them often. I would assume the length of time it takes for the animals to grow is how frequently they get picked up and/or dropped off

How many other neighbors do you have: 6 at least

Do they mention any concerns they have with the hog houses or lagoons? They complain about the same issues that I do Have they mentioned any health effects: No Do they have any social events or outside gatherings: No, we do not have many outside gatherings that I see (because of the smell)

How does this effect bying and selling property: Most of the residents are permanent and have been here for a while. I think maybe one of them behind me may be a rental property.

Have you ever complained to the city or state? No, I have never filed a formal complaint,

If no, why not? It is obvious that not much will get done if anyone complains. People who are doing this want to keep doing it. I have voiced my concerns in public, at meetings, but not made a formal complaint. I have worked through REACH

According to Devon (many people do not complain due to intimidation and trying to be courteous) —he has been followed and confronted on many occasions. People come to them for safety and to vent concerns and frustrations. Sometimes the fear of retaliation comes from their own neighbors who are also the growers. The fear of intimidation is imbedded in the community since slavery

When you have gone to public meetings what are some of the concerns you have voiced: about diseases and bacteria

Do you have a private well? No, there hasn't been a private well here in more than 15 years. The county closed it and never really told them a reason. They were told they needed to purchase a meter

Did you notice anything differently about your water when you were on a private well? Yes, the odor and the color but not really the taste at the time

How deep is your well? I don't know how deep but it was pretty deep. Did it have any UV filters or lights? No

Did you ever experience any discoloration around the sink or tub? Yes, we would have to clean out the filter on the sink

Was the water clear or hazy—see any particles? It did not have particles but it was a slight yellowish color

Did you ever notice of film on the water? No, I never noticed

How is the city water? It is good, I drink it and I never noticed anything wrong with it

Have you noticed an increase in pests? Yes, flies. It is hard to find a fly swatter in stock at the stores, as soon as they get them they are gone. I notice more flies than used to be. They are all year round, especially during the warm months.

About 5-6 years ago he noticed they were running water/waste from the lagoon into the ditch Ex. 6 - Personal Privacy
Ex. 6 - Personal Privacy noticed once when he was out jogging)

Davon from REACH states that the inspections from the state of the hog facilities are not sufficient—they do not have enough inspectors to inspect all of the farms and are not providing quality oversight into the process and procedures for the facilities. The regulatory agency is not doing their job to protect the interest of the people, their health or the environment

Davon—we have never advocated putting anyone out of business all we are asking for is to utilize the newer technologies to make better and more conscious decisions even if it requires that the price of pork is higher

Ex. 6 - Personal Privacy has photos in his cracked phone

Davon states that they (REACH) have submitted all kinds of information to EPA as a part of their collaborative project they worked on from 2007-2010 (in the monthly reporting of their CPS project)-

Elvie Barlow was the project manager. Another project was the Maple Creek Watershed and Compliance Project to conduct water sampling—Also had an arsenic project where they sampled watersheds. Just concluded a small grant with Region 4 on September 30 (educational Earthwise, Climate Change Project)

To: Yon, William[Yon.William@epa.gov]
From: Covington, Jeryl
Sent: Thur 1/8/2015 11:40:46 PM
Subject: Earthjustice-REACH Complaint: Legal Theory Analysis
Initial Disparate Impact Analysis of REACH NC Swine.docx
North Carolina EJ Network et al Complaint under Title VI.PDF

Ex. 5 - Deliberative

Background on the Earthjustice/REACH Complaint

Recipient: North Carolina Department of the Environment and Natural Resources (NC DENR)

Complainant: Earthjustice on behalf of North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help (REACH), and Waterkeeper Alliance, Inc.

The EPA is accepting the following allegation for investigation:

North Carolina DENR's regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring communities and violates Title VI and EPA's implementing regulations.

The following is a portion of the comments provided by Earthjustice to NC DENR related to the general permit renewal (permit no AWG100000):

“Waste from animal facilities operating under these permits has long been a major concern for the

citizens of North Carolina and particularly for the communities of color and low-income residents

in the eastern part of the state that are routinely subject to pollution from these facilities.

North Carolina permits more than two thousand five hundred animal facilities with the capacity to

raise more than 10 million swine, cattle, and poultry in confinement under its general permit

program.¹ These facilities generate a staggering amount of waste that pollutes North Carolina's

surface water, groundwater and air, and injures neighboring communities. North Carolina's general

permitting program for animal waste management systems should protect environment and these

communities from these facilities. Yet the

conditions in these permits are inadequate. On a daily basis, these facilities expose the citizens

of North Carolina to harmful pollution.

The proposed drafts of the general permits will not improve these conditions. But for minor technical amendments, the program that the Department of Environment and Natural Resources

("DENR") and the Division of Water Resources ("DWR") is proposing is largely the same as its

predecessors. As experience has shown, the general permitting program does not fully protect the

state's air, water, or citizens from pollution from animal facilities. Nonetheless, DENR has

proposed the same deficient program as the one that came before it. Just as troubling, the recent

consolidation of state agencies with province over animal facilities, budget cuts, and the drastic

reduction in the number of inspectors threaten to undermine DENR's ability to oversee the general

permit program. The citizens of North Carolina need stronger

permit conditions with greater accountability."

Attached is a copy of the complaint from Earthjustice to EPA.

I will touch base with you on Monday and provide additional information or clarity as needed; and discuss completion schedules with you.

Naima Halim-Chestnut, MAOM

U.S. Environmental Protection Agency, Region 4

Regional Civil Rights Officer | Office of Civil Rights
61 Forsyth St. SW | Atlanta, GA 30303

Direct Line: 404-562-9220 **Ex. 6 - Personal Privacy** E-mail: halim-chestnut.naima@epa.gov

OCR Intranet Page: <http://r4intra.epa.gov/opm/civilrights/index.html>

June is National Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month

Theme: “*Color Our World with Pride*”

From: Wiedeman, Allison

Sent: Monday, June 29, 2015 1:34 PM

To: HALIM-CHESTNUT, NAIMA; Jones-Johnson, Shea

Cc: Molloy, Jennifer; HicksWhite, Javoyne; Heard, Anne; Jenkins, Brandi; Tennessee, Denise

Subject: RE: can we get a copy of the usgs report if we don't have already i would like to read

Actually perhaps you can help Naima - I am trying to find out the source for the following quote in the article:

“In February, the Environmental Protection Agency claims that North Carolina's regulation of the farms violates the civil rights of minority neighbors”

We can't seem to find who in EPA said this. Do you have any idea?? I checked with Region 4 already. thanks

Allison Wiedeman

U.S. Environmental Protection Agency

Chief, Rural Branch

Water Permits, Office of Water

Rm 7146 EPA East

Washington, D.C. 20460

202 564 0901

From: HALIM-CHESTNUT, NAIMA

Sent: Monday, June 29, 2015 8:04 AM

To: Jones-Johnson, Shea; Wiedeman, Allison

Cc: Molloy, Jennifer; HicksWhite, Javoyne; Heard, Anne; Jenkins, Brandi; Tennessee, Denise

Subject: RE: can we get a copy of the usgs report if we don't have already i would like to read

Thanks all. I am trying to scroll down to follow the conversation but I think I am too late in the game to figure it out.

If there is something you need from me, please let me know.

Thank you.

/ AM Diversity!

Naima Halim-Chestnut, MAOM

U.S. Environmental Protection Agency, Region 4

Regional Civil Rights Officer | Office of Civil Rights
61 Forsyth St. SW | Atlanta, GA 30303

Direct Line: 404-562-9220 **Ex. 6 - Personal Privacy** E-mail: halim-chestnut.naima@epa.gov

OCR Intranet Page: <http://r4intra.epa.gov/opm/civilrights/index.html>

June is National Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month

Theme: "*Color Our World with Pride*"

From: Jones-Johnson, Shea

Sent: Thursday, June 25, 2015 9:55 AM

To: Wiedeman, Allison

Cc: Molloy, Jennifer; HicksWhite, Javoyne; Heard, Anne; Jenkins, Brandi; Tennessee, Denise; HALIM-CHESTNUT, NAIMA

Subject: RE: can we get a copy of the usgs report if we dont have already i would like to read

Hi Allison,

I just read this article a few minutes ago. There's a Title VI complaint that deals with this issue with hog farms. It's probably linked to that. This article provides additional information:

<http://www.newbernsj.com/20150306/epa-to-investigate-state-hog-waste-operations/303069868>

My suggestion is to follow-up with OCR. On my end, I'll check with my contact at Rural Empowerment Association for Community Help (REACH) who is one of the complainants. Please let me know if you have additional questions or need more information.

-Shea

From: Wiedeman, Allison
Sent: Thursday, June 25, 2015 9:41 AM
To: Jones-Johnson, Shea
Cc: Molloy, Jennifer
Subject: FW: can we get a copy of the usgs report if we dont have already i would like to read

Shea - did you see this report? We are trying to get a copy. Not at the bottom it says that "the Environmental Protection Agency claims that North Carolina's regulation of the farms violates the civil rights of minority neighbors. " we didn't make that claim - did anyone in Region 4? Thanks and hope you are doing well!

Allison Wiedeman

U.S. Environmental Protection Agency

Chief, Rural Branch

Water Permits, Office of Water

Rm 7146 EPA East

Washington, D.C. 20460

202 564 0901

From: Gilinsky, Ellen
Sent: Thursday, June 25, 2015 8:55 AM
To: Nagle, Deborah; Wiedeman, Allison
Subject: can we get a copy of the usgs report if we dont have already i would like to read

News Headline: Hog farm nutrients showing up in NC streams, study says |

Outlet Full Name: Charlotte Observer

News Text: Nutrients from industrial swine and poultry farms are showing up in streams in coastal North Carolina, the U.S. Geological Survey says in a .

USGS scientists took water samples from 54 agricultural sites to find the differences between those with and without concentrated animal feeding operations (CAFOs).

They found that 58 percent of the watersheds with CAFOs had water quality that reflected the

presence of swine or poultry farms. Twenty-eight percent showed no effects.

Watersheds where farms are present had higher concentrations of nutrients such as ammonia and nitrogen. Excess nutrients can cause algal blooms that lead to fish kills.

Nutrients have been particular problems in the Tar-Pamlico and Neuse River basins of the coastal plain, particularly in the estuaries that serve as nurseries for fish and other sea life.

Hog and poultry farms pack thousands of animals into barns, flushing wastes into open pits called lagoons. Nutrient-rich water from the lagoons is sprayed to fertilize nearby fields.

The findings could add to growing pressure on the 2,100 hog farms that make North Carolina the nation's second-largest swine producer.

Neighbors of the farms have filed in federal court, claiming odors, flies and drifting lagoon spray make their lives miserable.

In February, the Environmental Protection Agency claims that North Carolina's regulation of the farms violates the civil rights of minority neighbors.

Henderson: 704-358-5051;

Ellen Gilinsky

Ellen Gilinsky, Ph.D.

Senior Policy Advisor

Office of Water

1200 Pennsylvania Ave, NW

Room 3219B EPA East, MC 4101M

Washington, DC 20460

Phone: 202-564-2549

Ex.6 Personal Privacy

Email: Gilinsky.ellen@epa.gov

To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Chang, Patrick[Chang.Patrick@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Martinez, Brittany[Martinez.Brittany@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Golightly-Howell, Velveta
Sent: Fri 9/5/2014 10:05:44 PM
Subject: RE: For Review by Director of OCR: Response RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
Raleigh News 2014 09 04 response 2014 09 05 1620 bm updated version 3 hewa; vgh.docx

.....
>>>>>>>
Here you go Helena. Thanks! Velveta

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 5:54 PM
To: Golightly-Howell, Velveta
Cc: Chang, Patrick; Packard, Elise; Martinez, Brittany; Covington, Jeryl; Wooden-Aguilar, Helena
Subject: For Review by Director of OCR: Response RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
Importance: High

Velveta-

Attached is the response for your review. I have accepted all of Patrick's edits and responded to his comments. I have also made a note in the document (bottom of page 1 in bold) to the press officer to keep a close hold on the rationale for dismissal (this is highlighted in red).

(thank you Patrick, Brittany, and Jeryl for your help today.)

Please let me know if you have any questions.

Helena

From: Chang, Patrick
Sent: Friday, September 05, 2014 5:39 PM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl
Subject: FW: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Ex. 5 - Delib. / Ex. 5 - Attorney-Client

Otherwise, I'm good w/ it and don't need to see it again.

Thanks!

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 5:32 PM
To: Chang, Patrick
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl
Subject: RE: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Patrick-

I have accepted your edits and responded to comments. I have also added language for your review.

Helena

From: Chang, Patrick
Sent: Friday, September 05, 2014 4:23 PM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl
Subject: RE: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Here are my comments. Call me if you want to discuss, as always.

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Sent: Friday, September 05, 2014 3:31 PM
To: Chang, Patrick
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Wooden-Aguilar, Helena; Covington, Jeryl
Subject: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
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Patrick-

Thanks again for all your help with the Adm briefing documents.

OCR received a press inquiry for a new complaint received yesterday from Earthjustice. The complaint is attached as an FYI. We are in the process of notifying parties.

Below are draft responses and would appreciate your review. The press office has instructed OCR (see below) that they want responses ASAP.

Thanks again,

Helena

1. Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind.

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3. Politico has asked if there is a timeline to respond to these petitions

EPA is committed to thoroughly evaluating all allegations accepted for investigation. In the event of a finding of discrimination, the EPA will attempt to informally resolve the complaint. Pursuant to 40 C.F.R. § 7.130, if the EPA cannot obtain voluntary compliance, the EPA may use any means authorized by law to get compliance.

We are unable to provide any further information on matters currently under investigation.

From: Martinez, Brittany
Sent: Friday, September 05, 2014 2:23 PM
To: Wooden-Aguilar, Helena
Cc: Covington, Jeryl
Subject: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Helena- Please see our draft response.

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These complaints were accepted for investigation because they met the Environmental Protection Agency's (EPA) four jurisdictional requirements. First, the complaints were in writing. Second, the complaints described an alleged discriminatory act that may violate EPA's nondiscrimination regulations. Third, the complaints were timely filed. Lastly, the complaints were filed against recipients of EPA's assistance.

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 12:22 PM
To: Golightly-Howell, Velveta; Covington, Jeryl
Cc: Martinez, Brittany
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Ok. Jeryl and Brittany working on this. I am handling the Administrator documents with OGC (Patrick, Elise, and Ethan) that are due to COB by 4 pm. I hope to have a set of final (OGC reviewed) by 2 pm or sooner. We are moving on these and I am reconciling and cleaning them up.

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Sent: Friday, September 05, 2014 12:20 PM
To: Wooden-Aguilar, Helena; Covington, Jeryl

Subject: Fw: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi. Please let me know what's needed from my end. I'm en route to a meeting. Will return to office after it. I have another at 3 p.m.

Velveta

From: Lee, Monica
Sent: Friday, September 5, 2014 11:27:37 AM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Correct – additionally, Politico has asked if there is a timeline to respond to these petitions.

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Sent: Friday, September 05, 2014 11:26 AM
To: Lee, Monica
Cc: Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations
Importance: High

Ok.

Below is my understanding of the questions in red. Is this correct?

1. Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind.
2. Also, would EPA decide this by paperwork or would there be hearings, testimony, evidence?

Helena

From: Lee, Monica
Sent: Friday, September 05, 2014 11:24 AM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

The two inquiries we've gotten haven't specified a deadline, but we'd like to get back to them as quickly as possible.

From: Wooden-Aguilar, Helena

Sent: Friday, September 05, 2014 11:17 AM

To: Lee, Monica

Cc: Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl

Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi Monica-

Thanks for the email below. I will work to prepare a response to the press questions below. Is there a deadline?

Helena

From: Lee, Monica

Sent: Friday, September 05, 2014 10:19 AM

To: Wooden-Aguilar, Helena

Subject: FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi Helena – do you have any information on Earthjustice’s complaint to EPA alleging civil rights violations at North Carolina hog farms? Politico is asking if we have a timeline to respond to these petitions, so at the very least we’d want to get back to them on that.

Let me know – thanks!

From: Purchia, Liz

Sent: Thursday, September 04, 2014 4:53 PM

To: Lee, Monica; Allen, Laura

Subject: FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

FYI this happened today. Politico Pro’s ag edition apparently wrote on it and now the News & Observer is asking.

Laura – Can you check with the region to see if they’ve gotten incoming and have a response.

Monica – Can you check with OCR on this?

Looks like they’re asking us to investigate.

Politico is asking if we have a timeline to respond to these petitions.

Liz Purchia

Press Secretary

U.S. Environmental Protection Agency

Direct: 202-564-6691

Ex.6 Personal Privacy

From: Davis, Alison
Sent: Thursday, September 04, 2014 4:49 PM
To: Purchia, Liz
Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

see below. This includes the group's press release

Begin forwarded message:

From: "Murawski, John" <jmurawski@newsobserver.com>
Date: September 4, 2014 at 4:35:36 PM EDT
To: Alison Davis <Davis.Alison@epamail.epa.gov>, "Davis, Alison" <davis.alison@epa.gov>
Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Alison,

Greetings. I'm writing a short item about this Earthjustice complaint to EPA alleging civil rights violations at NC hog farms. The complaint is filed with EPA and against DENR.

Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind. I'm trying to put this in context if possible. Also, would EPA decide this by paperwork or would there be hearings, testimony, evidence?

I look forward to hearing from you.

John Murawski
Staff Writer
The News & Observer
Raleigh, NC
Tel: 919-829-8932
Ex.6 Personal Privacy
Fax: 829-4529
e-mail: john.murawski@newsobserver.com
Twitter: @johnmurawski
Visit our blog: <http://www.newsobserver.com/bizblog/>

FOR IMMEDIATE RELEASE

September 4, 2014 (7.00 am)

Contacts

Devon Hall, Sr.|Rural Empowerment Association for Community Help| [910.296.1180](tel:910.296.1180)

Naeema Muhammad| North Carolina Environmental Justice Network|[252.314.0703](tel:252.314.0703)

Larry Baldwin | Waterkeeper Alliance | lbaldwin@waterkeeper.org | [252.670.1413](tel:252.670.1413)

Marianne Engelman Lado | Earthjustice | mengelmanlado@earthjustice.org | [212.845.7376](tel:212.845.7376)
x 7393

Jonathan Hahn|Caplan Communications| jonathan@caplancommunications.com | [301-998-6592](tel:301-998-6592)

Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Decade-long struggle with North Carolina over public health shifts to the EPA as
community groups state lax oversight of hog operations violates civil rights

WARSAW, N.C.—The North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help and Waterkeeper Alliance, supported by Earthjustice, filed a complaint with the Environmental Protection Agency (EPA) Office of Civil Rights under Title VI of the Civil Rights Act of 1964 alleging that North Carolina's lax regulation of hog waste disposal discriminates against communities of color in eastern North Carolina.

The complaint is the latest chapter in a longstanding struggle to address the community health impacts posed by massive amounts of fecal waste from industrial hog facilities. Community members have repeatedly asked the North Carolina Department of Environment and Natural Resources (DENR) for stronger protections, but are now seeking help from the EPA, stating that a recent decision by DENR to issue a permit that will cover thousands of hog facilities without adequate waste disposal controls violates federal law and civil rights.

"Rural eastern North Carolinians, especially poor people and people of color, continue to suffer from the horrible conditions brought on by the industrial hog industry" said **Naeema Muhammad, Director of North Carolina Environmental Justice Network**. "It's the State's job to regulate these operations and make sure that the people and the environment are protected. This complaint is about making sure they do that."

The permit continues to allow industry to flush hog feces and urine into open, unlined pits and then to spray this "liquid manure" onto nearby fields. This practice leads to waste contaminating nearby waters. The waste also drifts as mist onto neighboring properties, causing unbearable odors. The impact is worsened by the growth of the poultry industry in the state and the piles of chicken waste that often sit uncovered on fields for days on end.

These operations are disproportionately located in communities of color where neighbors

are forced to endure the smell, water quality impacts and the embarrassment associated with the facilities operating near their homes.

"You can't imagine what it's like to live next to one of these hog operations," said **Devon Hall, Project Manager at the Rural Empowerment Association for Community Help (REACH)**. "It's hard to enjoy the outdoors and it's embarrassing to invite company over, because the flies and the smells make life miserable. We've complained for decades about it."

"The negative impacts that hog operations have on the environment and neighboring communities is outrageous, and the government is turning a blind eye to those in harm's way," said **Larry Baldwin, Concentrated Animal Feeding Operations (CAFO) Coordinator at Waterkeeper Alliance**. "It's time the State took its responsibility to protect the citizens of North Carolina seriously. After years of working to improve water quality in the eastern portion of the state, I can say that it's time for the state to take action."

The complainants have notified officials at DENR and EPA of the filing and are asking EPA to initiate an investigation.

LINK TO FILED COMPLAINT: <http://waterkeeper.org/cms/assets/uploads/2014/09/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>

#

About NCEJN

The North Carolina Environmental Justice Network is a statewide, grassroots-led non-profit organization made up of community members and other organizations that work to fight environmental injustice. The EJ Network seeks to promote health and environmental equality for all people of North Carolina through organizing, advocacy, research, and education based on principles of economic equity and democracy for all people. The EJ Network supports the communities that are most impacted by environmental injustice and has worked for nearly two decades to change the fact that industrial swine facilities in North Carolina are allowed to pollute low-income communities and communities of color.

About REACH

The Rural Empowerment Association for Community Help strives to improve the quality of life for families and people of color in rural eastern North Carolina. In particular, REACH addresses social, economic and environmental issues through its environmental awareness, sustainable agriculture, small business development, and homeownership programs.

About WATERKEEPER® Alliance

Founded in 1999 by environmental attorney and activist Robert F. Kennedy, Jr. and several veteran Waterkeeper Organizations, Waterkeeper Alliance is a global movement of on-the-water advocates who patrol and protect over 1.5 million square miles of rivers, streams and coastlines in North and South America, Europe, Australia, Asia and Africa. Learn more at: www.waterkeeper.org or follow @Waterkeeper on Twitter and Facebook.

About Earthjustice

Earthjustice, the nation's premier nonprofit environmental law organization, wields the power of law and the strength of partnership to protect people's health, to preserve magnificent places and wildlife, to advance clean energy and to combat climate change.

Because the earth needs a good lawyer.

To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Martinez, Brittany[Martinez.Brittany@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Chang, Patrick
Sent: Fri 9/5/2014 8:22:56 PM
Subject: RE: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
Raleigh News 2014.09.04 response 2014.09.05 1620.docx

.....
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Here are my comments. Call me if you want to discuss, as always.

From: Wooden-Aguilar, Helena
Sent: Friday, September 05, 2014 3:31 PM
To: Chang, Patrick
Cc: Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Wooden-Aguilar, Helena; Covington, Jeryl
Subject: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
Importance: High

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From: Martinez, Brittany

Sent: Friday, September 05, 2014 2:23 PM

To: Wooden-Aguilar, Helena

Cc: Covington, Jeryl

Subject: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

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Cc: Martinez, Brittany
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Sent: Friday, September 05, 2014 11:17 AM
To: Lee, Monica
Cc: Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl
Subject: RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi Monica-

Thanks for the email below. I will work to prepare a response to the press questions below. Is there a deadline?

Helena

From: Lee, Monica
Sent: Friday, September 05, 2014 10:19 AM
To: Wooden-Aguilar, Helena
Subject: FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi Helena – do you have any information on Earthjustice’s complaint to EPA alleging civil rights violations at North Carolina hog farms? Politico is asking if we have a timeline to respond to these petitions, so at the very least we’d want to get back to them on that.

Let me know – thanks!

From: Purchia, Liz
Sent: Thursday, September 04, 2014 4:53 PM
To: Lee, Monica; Allen, Laura
Subject: FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

FYI this happened today. Politico Pro’s ag edition apparently wrote on it and now the News & Observer is asking.

Laura – Can you check with the region to see if they’ve gotten incoming and have a response.

Monica – Can you check with OCR on this?

Looks like they’re asking us to investigate.

Politico is asking if we have a timeline to respond to these petitions.

Liz Purchia

Press Secretary

U.S. Environmental Protection Agency

Direct: 202-564-6691

Ex.6 Personal Privacy

From: Davis, Alison
Sent: Thursday, September 04, 2014 4:49 PM
To: Purchia, Liz
Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

see below. This includes the group's press release

Begin forwarded message:

From: "Murawski, John" <jmurawski@newsobserver.com>
Date: September 4, 2014 at 4:35:36 PM EDT
To: Alison Davis <Davis.Alison@epamail.epa.gov>, "Davis, Alison"
<davis.alison@epa.gov>
Subject: Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Alison,

Greetings. I'm writing a short item about this Earthjustice complaint to EPA alleging civil rights violations at NC hog farms. The complaint is filed with EPA and against DENR.

Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind. I'm trying to put this in context if possible. Also, would EPA decide this by paperwork or would there be hearings, testimony, evidence?

I look forward to hearing from you.

John Murawski
Staff Writer
The News & Observer
Raleigh, NC
Tel: 919-829-8932

Ex.6 Personal Privacy

Fax: 829-4529
e-mail: john.murawski@newsobserver.com
Twitter: @johnmurawski
Visit our blog: <http://www.newsobserver.com/bizblog/>

FOR IMMEDIATE RELEASE

September 4, 2014 (7.00 am)

Contacts

Devon Hall, Sr.|Rural Empowerment Association for Community Help| [910.296.1180](tel:910.296.1180)

Naeema Muhammad| North Carolina Environmental Justice Network|[252.314.0703](tel:252.314.0703)

Larry Baldwin | Waterkeeper Alliance | lbaldwin@waterkeeper.org | [252.670.1413](tel:252.670.1413)

Marianne Engelman Lado | Earthjustice | mengelmanlado@earthjustice.org | [212.845.7376](tel:212.845.7376)
[x 7393](tel:212.845.7393)

Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Decade-long struggle with North Carolina over public health shifts to the EPA as
community groups state lax oversight of hog operations violates civil rights

WARSAW, N.C.—The North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help and Waterkeeper Alliance, supported by Earthjustice, filed a complaint with the Environmental Protection Agency (EPA) Office of Civil Rights under Title VI of the Civil Rights Act of 1964 alleging that North Carolina's lax regulation of hog waste disposal discriminates against communities of color in eastern North Carolina.

The complaint is the latest chapter in a longstanding struggle to address the community health impacts posed by massive amounts of fecal waste from industrial hog facilities. Community members have repeatedly asked the North Carolina Department of Environment and Natural Resources (DENR) for stronger protections, but are now seeking help from the EPA, stating that a recent decision by DENR to issue a permit that will cover thousands of hog facilities without adequate waste disposal controls violates federal law and civil rights.

"Rural eastern North Carolinians, especially poor people and people of color, continue to suffer from the horrible conditions brought on by the industrial hog industry" said **Naeema Muhammad, Director of North Carolina Environmental Justice Network**. "It's the State's job to regulate these operations and make sure that the people and the environment are protected. This complaint is about making sure they do that."

The permit continues to allow industry to flush hog feces and urine into open, unlined pits and then to spray this "liquid manure" onto nearby fields. This practice leads to waste contaminating nearby waters. The waste also drifts as mist onto neighboring properties, causing unbearable odors. The impact is worsened by the growth of the poultry industry in the state and the piles of chicken waste that often sit uncovered on fields for days on end.

These operations are disproportionately located in communities of color where neighbors are forced to endure the smell, water quality impacts and the embarrassment associated with the facilities operating near their homes.

"You can't imagine what it's like to live next to one of these hog operations," said **Devon Hall, Project Manager at the Rural Empowerment Association for Community Help (REACH)**. "It's hard to enjoy the outdoors and it's embarrassing to invite company over, because the flies and the smells make life miserable. We've complained for decades about it."

"The negative impacts that hog operations have on the environment and neighboring communities is outrageous, and the government is turning a blind eye to those in harm's way," said **Larry Baldwin, Concentrated Animal Feeding Operations (CAFO)**

Coordinator at Waterkeeper Alliance. “It’s time the State took its responsibility to protect the citizens of North Carolina seriously. After years of working to improve water quality in the eastern portion of the state, I can say that it’s time for the state to take action.”

The complainants have notified officials at DENR and EPA of the filing and are asking EPA to initiate an investigation.

LINK TO FILED COMPLAINT: <http://waterkeeper.org/cms/assets/uploads/2014/09/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>

#

About NCEJN

The North Carolina Environmental Justice Network is a statewide, grassroots-led non-profit organization made up of community members and other organizations that work to fight environmental injustice. The EJ Network seeks to promote health and environmental equality for all people of North Carolina through organizing, advocacy, research, and education based on principles of economic equity and democracy for all people. The EJ Network supports the communities that are most impacted by environmental injustice and has worked for nearly two decades to change the fact that industrial swine facilities in North Carolina are allowed to pollute low-income communities and communities of color.

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About Earthjustice

Earthjustice, the nation’s premier nonprofit environmental law organization, wields the power of law and the strength of partnership to protect people’s health, to preserve magnificent places and wildlife, to advance clean energy and to combat climate change.

Because the earth needs a good lawyer.

To: Chang, Patrick[Chang.Patrick@epa.gov]
Cc: Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Martinez, Brittany[Martinez.Brittany@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Fri 9/5/2014 9:31:53 PM
Subject: RE: For Legal Review: **Draft Response**RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)
Raleigh News 2014 09 04 response 2014 09 05 1620 bm updated version 3.hewa.docx

.....
~~~~~  
Patrick-

I have accepted your edits and responded to comments. I have also added language for your review.

Helena

**From:** Chang, Patrick  
**Sent:** Friday, September 05, 2014 4:23 PM  
**To:** Wooden-Aguilar, Helena  
**Cc:** Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl  
**Subject:** RE: For Legal Review: \*\*Draft Response\*\*RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Here are my comments. Call me if you want to discuss, as always.

**From:** Wooden-Aguilar, Helena  
**Sent:** Friday, September 05, 2014 3:31 PM  
**To:** Chang, Patrick  
**Cc:** Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Wooden-Aguilar, Helena; Covington, Jeryl  
**Subject:** For Legal Review: \*\*Draft Response\*\*RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)  
**Importance:** High

Patrick-

Thanks again for all your help with the Adm briefing documents.

OCR received a press inquiry for a new complaint received yesterday from Earthjustice. The complaint is attached as an FYI. We are in the process of notifying parties.

Below are draft responses and would appreciate your review. The press office has instructed OCR (see below) that they want responses ASAP.

Thanks again,

Helena

1. Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind.

The Office of Civil Rights (OCR) is aware of receiving two Title VI complaints related to commercial swine operations as follows:

∇ In 1998, an administrative complaint was filed on behalf of Anthony Miller by Congressman Bennie G. Thompson. The complaint alleged that Mr. Miller's civil rights were violated by the Mississippi Department of Environmental Quality (MDEQ) by delaying approval of Mr. Miller's application for a swine farm operating permit and treated him differently from other 'similarly situated' White farmers. The EPA accepted the complaint on September 27, 2001. The case was dismissed on July 11, 2002.

∇ In 2008, the OCR received and accepted a Title VI complaint filed by a representative on behalf of the Yankton Sioux Tribe and its individual members against the South Dakota Department of Natural Resources regarding its approval of a General Water Pollution Control Permit at a CAFO located near Marty, South Dakota. The case was dismissed on February 4, 2011.

2. Also, would EPA decide this by paperwork or would there be hearings, testimony, evidence?

Title VI of the Civil Rights Act and EPA's implementing regulations prohibit recipients of Federal financial assistance from discriminating on the basis of race, color or national origin – both intentional discrimination and discriminatory effects from neutral policies. This prohibition includes discrimination on the basis of language ability. Federal regulations allow filing of complaints alleging discrimination and place investigative responsibility on the relevant Federal agency. EPA's Title VI implementing regulations are codified at 40 C.F.R. Part 7. EPA's Office of Civil Rights (OCR) reviews these complaints in accordance with 40 C.F.R. Part 7, Subpart E (§§ 7.105-7.135).

OCR first conducts a jurisdictional review to determine whether the complaint meets the regulatory requirements to be accepted for investigation. If so, an investigation of the accepted allegations is conducted. After evaluating the evidence gathered, EPA must determine whether it is sufficient to preliminarily conclude that a violation of Title VI has occurred, because of intentional discrimination or an unintentional adverse disparate impact. If EPA concludes there is not sufficient evidence of intentional discrimination or of an adverse disparate impact, a complaint is dismissed. If EPA concludes that there is sufficient evidence, EPA may discuss that evidence with the recipient and attempt to reach voluntary resolution with the recipient. EPA's Title VI implementing regulations (40 C.F.R. Part 7) state that it is EPA's policy to seek informal resolution of Title VI complaints whenever possible. If attempts to achieve informal resolution or voluntary compliance fail, EPA may refer the matter to the Department of Justice, or initiate a process to withhold Federal financial assistance from a recipient.

3. Politico has asked if there is a timeline to respond to these petitions

EPA is committed to thoroughly evaluating all allegations accepted for investigation. In the

event of a finding of discrimination, the EPA will attempt to informally resolve the complaint. Pursuant to 40 C.F.R. § 7.130, if the EPA cannot obtain voluntary compliance, the EPA may use any means authorized by law to get compliance.

We are unable to provide any further information on matters currently under investigation.

**From:** Martinez, Brittany  
**Sent:** Friday, September 05, 2014 2:23 PM  
**To:** Wooden-Aguilar, Helena  
**Cc:** Covington, Jeryl  
**Subject:** \*\*Draft Response\*\*RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Helena- Please see our draft response.

The Office of Civil Rights (OCR) is aware of receiving two Title VI complaints related to commercial swine operations as follows:

▽ In 1998, an administrative complaint was filed on behalf of Anthony Miller by Congressman Bennie G. Thompson. The complaint alleged that Mr. Miller's civil rights were violated by the Mississippi Department of Environmental Quality (MDEQ) by delaying approval of Mr. Miller's application for a swine farm operating permit and treated him differently from other 'similarly situated' White farmers. The EPA accepted the complaint on September 27, 2001. The case was dismissed on July 11, 2002.

▽ In 2008, the OCR received and accepted a Title VI complaint filed by a representative on behalf of the Yankton Sioux Tribe and its individual members against the South Dakota Department of Natural Resources regarding its approval of a General Water Pollution Control Permit at a CAFO located near Marty, South Dakota. The case was dismissed on February 4, 2011.

These complaints were accepted for investigation because they met the Environmental Protection Agency's (EPA) four jurisdictional requirements. First, the complaints were in writing. Second, the complaints described an alleged discriminatory act that may violate EPA's nondiscrimination regulations. Third, the complaints were timely filed. Lastly, the complaints were filed against recipients of EPA's assistance.

**From:** Wooden-Aguilar, Helena  
**Sent:** Friday, September 05, 2014 12:22 PM  
**To:** Golightly-Howell, Velveta; Covington, Jeryl  
**Cc:** Martinez, Brittany  
**Subject:** RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Ok. Jeryl and Brittany working on this. I am handling Ex. 5 - Deliberative / Attorney-Client (Patrick, Elise, and Ethan) that are due to COB by 4 pm. I hope to have a set of final (OGC reviewed) by 2 pm or sooner. We are moving on these and I am reconciling and cleaning them up.



**From:** Golightly-Howell, Velveta  
**Sent:** Friday, September 05, 2014 12:20 PM  
**To:** Wooden-Aguilar, Helena; Covington, Jeryl  
**Subject:** Fw: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi. Please let me know what's needed from my end. I'm en route to a meeting. Will return to office after it. I have another at 3 p.m.

Velveta

---

**From:** Lee, Monica  
**Sent:** Friday, September 5, 2014 11:27:37 AM  
**To:** Wooden-Aguilar, Helena  
**Cc:** Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl  
**Subject:** RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Correct – additionally, Politico has asked if there is a timeline to respond to these petitions.

**From:** Wooden-Aguilar, Helena  
**Sent:** Friday, September 05, 2014 11:26 AM  
**To:** Lee, Monica  
**Cc:** Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl  
**Subject:** RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations  
**Importance:** High

Ok.

Below is my understanding of the questions in red. Is this correct?

1. Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind.
2. Also, would EPA decide this by paperwork or would there be hearings, testimony, evidence?

Helena

**From:** Lee, Monica  
**Sent:** Friday, September 05, 2014 11:24 AM  
**To:** Wooden-Aguilar, Helena  
**Cc:** Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl  
**Subject:** RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

The two inquiries we've gotten haven't specified a deadline, but we'd like to get back to them as

quickly as possible.

**From:** Wooden-Aguilar, Helena  
**Sent:** Friday, September 05, 2014 11:17 AM  
**To:** Lee, Monica  
**Cc:** Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl  
**Subject:** RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi Monica-

Thanks for the email below. I will work to prepare a response to the press questions below. Is there a deadline?

Helena

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**Sent:** Friday, September 05, 2014 10:19 AM  
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**Subject:** FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

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Let me know – thanks!

**From:** Purchia, Liz  
**Sent:** Thursday, September 04, 2014 4:53 PM  
**To:** Lee, Monica; Allen, Laura  
**Subject:** FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

FYI this happened today. Politico Pro’s ag edition apparently wrote on it and now the News & Observer is asking.

Laura – Can you check with the region to see if they’ve gotten incoming and have a response.

Monica – Can you check with OCR on this?

Looks like they’re asking us to investigate.

Politico is asking if we have a timeline to respond to these petitions.

Liz Purchia

Press Secretary

U.S. Environmental Protection Agency

Direct: 202-564-6691

**Ex.6 Personal Privacy**

**From:** Davis, Alison  
**Sent:** Thursday, September 04, 2014 4:49 PM  
**To:** Purchia, Liz  
**Subject:** Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

see below. This includes the group's press release

Begin forwarded message:

**From:** "Murawski, John" <[jmurawski@newsobserver.com](mailto:jmurawski@newsobserver.com)>  
**Date:** September 4, 2014 at 4:35:36 PM EDT  
**To:** Alison Davis <[Davis.Alison@epamail.epa.gov](mailto:Davis.Alison@epamail.epa.gov)>, "Davis, Alison" <[davis.alison@epa.gov](mailto:davis.alison@epa.gov)>  
**Subject:** Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Alison,

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I look forward to hearing from you.

**John Murawski**  
Staff Writer  
*The News & Observer*  
Raleigh, NC  
Tel: 919-829-8932

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Fax: 629-4529

e-mail: [john.murawski@newsobserver.com](mailto:john.murawski@newsobserver.com)  
Twitter: @johnmurawski  
Visit our blog: <http://www.newsobserver.com/bizblog/>

**FOR IMMEDIATE RELEASE**

September 4, 2014 (7.00 am)

## Contacts

Devon Hall, Sr.|Rural Empowerment Association for Community Help| [910.296.1180](tel:910.296.1180)

Naeema Muhammad| North Carolina Environmental Justice Network|[252.314.0703](tel:252.314.0703)

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Marianne Engelman Lado | Earthjustice | [mengelmanlado@earthjustice.org](mailto:mengelmanlado@earthjustice.org) | [212.845.7376](tel:212.845.7376)  
x 7393

Jonathan Hahn|Caplan Communications| [jonathan@caplancommunications.com](mailto:jonathan@caplancommunications.com) | [301-998-6592](tel:301-998-6592)

## ***Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations***

Decade-long struggle with North Carolina over public health shifts to the EPA as

community groups state lax oversight of hog operations violates civil rights

WARSAW, N.C.—The North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help and Waterkeeper Alliance, supported by Earthjustice, filed a complaint with the Environmental Protection Agency (EPA) Office of Civil Rights under Title VI of the Civil Rights Act of 1964 alleging that North Carolina's lax regulation of hog waste disposal discriminates against communities of color in eastern North Carolina.

The complaint is the latest chapter in a longstanding struggle to address the community health impacts posed by massive amounts of fecal waste from industrial hog facilities. Community members have repeatedly asked the North Carolina Department of Environment and Natural Resources (DENR) for stronger protections, but are now seeking help from the EPA, stating that a recent decision by DENR to issue a permit that will cover thousands of hog facilities without adequate waste disposal controls violates federal law and civil rights.

"Rural eastern North Carolinians, especially poor people and people of color, continue to suffer from the horrible conditions brought on by the industrial hog industry" said **Naeema Muhammad, Director of North Carolina Environmental Justice Network**. "It's the State's job to regulate these operations and make sure that the people and the environment are protected. This complaint is about making sure they do that."

The permit continues to allow industry to flush hog feces and urine into open, unlined pits and then to spray this "liquid manure" onto nearby fields. This practice leads to waste contaminating nearby waters. The waste also drifts as mist onto neighboring properties, causing unbearable odors. The impact is worsened by the growth of the poultry industry in

the state and the piles of chicken waste that often sit uncovered on fields for days on end.

These operations are disproportionately located in communities of color where neighbors are forced to endure the smell, water quality impacts and the embarrassment associated with the facilities operating near their homes.

"You can't imagine what it's like to live next to one of these hog operations," said **Devon Hall, Project Manager at the Rural Empowerment Association for Community Help (REACH)**. "It's hard to enjoy the outdoors and it's embarrassing to invite company over, because the flies and the smells make life miserable. We've complained for decades about it."

"The negative impacts that hog operations have on the environment and neighboring communities is outrageous, and the government is turning a blind eye to those in harm's way," said **Larry Baldwin, Concentrated Animal Feeding Operations (CAFO) Coordinator at Waterkeeper Alliance**. "It's time the State took its responsibility to protect the citizens of North Carolina seriously. After years of working to improve water quality in the eastern portion of the state, I can say that it's time for the state to take action."

The complainants have notified officials at DENR and EPA of the filing and are asking EPA to initiate an investigation.

LINK TO FILED COMPLAINT: <http://waterkeeper.org/cms/assets/uploads/2014/09/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>

# # #

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Because the earth needs a good lawyer.

**To:** Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]  
**Cc:** Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Martinez, Brittany[Martinez.Brittany@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]  
**From:** Chang, Patrick  
**Sent:** Fri 9/5/2014 9:39:04 PM  
**Subject:** FW: For Legal Review: \*\*Draft Response\*\*RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)  
Raleigh News 2014 09 04 response 2014 09 05 1620 bm updated version 3.hewa.docx

## Ex. 5 - Deliberative Process

Otherwise, I'm good w/ it and don't need to see it again.

Thanks!

**From:** Wooden-Aguilar, Helena  
**Sent:** Friday, September 05, 2014 5:32 PM  
**To:** Chang, Patrick  
**Cc:** Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl  
**Subject:** RE: For Legal Review: \*\*Draft Response\*\*RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Patrick-

I have accepted your edits and responded to comments. I have also added language for your review.

Helena

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**Sent:** Friday, September 05, 2014 4:23 PM  
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**Cc:** Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl  
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**Cc:** Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Wooden-Aguilar, Helena; Covington, Jeryl

**Subject:** For Legal Review: \*\*Draft Response\*\***RE:** Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)  
**Importance:** High

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### 3. Politico has asked if there is a timeline to respond to these petitions

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We are unable to provide any further information on matters currently under investigation.

**From:** Martinez, Brittany

**Sent:** Friday, September 05, 2014 2:23 PM

**To:** Wooden-Aguilar, Helena

**Cc:** Covington, Jeryl

**Subject:** \*\*Draft Response\*\*RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Helena- Please see our draft response.

The Office of Civil Rights (OCR) is aware of receiving two Title VI complaints related to commercial swine operations as follows:

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These complaints were accepted for investigation because they met the Environmental Protection Agency's (EPA) four jurisdictional requirements. First, the complaints were in writing. Second, the complaints described an alleged discriminatory act that may violate EPA's nondiscrimination regulations. Third, the complaints were timely filed. Lastly, the complaints were filed against recipients of EPA's assistance.

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**Sent:** Friday, September 05, 2014 12:22 PM  
**To:** Golightly-Howell, Velveta; Covington, Jeryl  
**Cc:** Martinez, Brittany  
**Subject:** RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

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**From:** Golightly-Howell, Velveta  
**Sent:** Friday, September 05, 2014 12:20 PM  
**To:** Wooden-Aguilar, Helena; Covington, Jeryl  
**Subject:** Fw: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi. Please let me know what's needed from my end. I'm en route to a meeting. Will return to office after it. I have another at 3 p.m.

Velveta

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**From:** Lee, Monica  
**Sent:** Friday, September 5, 2014 11:27:37 AM  
**To:** Wooden-Aguilar, Helena  
**Cc:** Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl  
**Subject:** RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

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**Sent:** Friday, September 05, 2014 11:26 AM  
**To:** Lee, Monica  
**Cc:** Golightly-Howell, Velveta; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl  
**Subject:** RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations  
**Importance:** High

Ok.

Below is my understanding of the questions in red. Is this correct?

1. Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind.

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Helena

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**Sent:** Friday, September 05, 2014 11:24 AM

**To:** Wooden-Aguilar, Helena

**Cc:** Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl

**Subject:** RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

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**To:** Lee, Monica

**Cc:** Golightly-Howell, Velveta; Ali, Mustafa; Rhodes, Julia; Chang, Patrick; Packard, Elise; Covington, Jeryl

**Subject:** RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Hi Monica-

Thanks for the email below. I will work to prepare a response to the press questions below. Is there a deadline?

Helena

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**Sent:** Friday, September 05, 2014 10:19 AM

**To:** Wooden-Aguilar, Helena

**Subject:** FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

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Let me know – thanks!

**From:** Purchia, Liz

**Sent:** Thursday, September 04, 2014 4:53 PM

**To:** Lee, Monica; Allen, Laura

**Subject:** FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

FYI this happened today. Politico Pro's ag edition apparently wrote on it and now the News & Observer is asking.

Laura – Can you check with the region to see if they've gotten incoming and have a response.

Monica – Can you check with OCR on this?

Looks like they're asking us to investigate.

Politico is asking if we have a timeline to respond to these petitions.

Liz Purchia

Press Secretary

U.S. Environmental Protection Agency

Direct: 202-564-6691

**Ex.6 Personal Privacy**

**From:** Davis, Alison

**Sent:** Thursday, September 04, 2014 4:49 PM

**To:** Purchia, Liz

**Subject:** Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

see below. This includes the group's press release

Begin forwarded message:

**From:** "Murawski, John" <[jmurawski@newsobserver.com](mailto:jmurawski@newsobserver.com)>

**Date:** September 4, 2014 at 4:35:36 PM EDT

**To:** Alison Davis <[Davis.Alison@epamail.epa.gov](mailto:Davis.Alison@epamail.epa.gov)>, "Davis, Alison" <[davis.alison@epa.gov](mailto:davis.alison@epa.gov)>

**Subject:** Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

Alison,

Greetings. I'm writing a short item about this Earthjustice complaint to EPA alleging civil rights violations at NC hog farms. The complaint is filed with EPA and against DENR.

Can you tell me if you've received such complaints before based on civil rights law, if not

against hog farms than other industrial operations, or if this is the first of its kind. I'm trying to put this in context if possible. Also, would EPA decide this by paperwork or would there be hearings, testimony, evidence?

I look forward to hearing from you.

**John Murawski**

Staff Writer

*The News & Observer*

Raleigh, NC

Tel: 919-829-8932

**Ex.6 Personal Privacy**

Fax: 829-4529

e-mail: [john.murawski@newsobserver.com](mailto:john.murawski@newsobserver.com)

Twitter: [@johnmurawski](https://twitter.com/johnmurawski)

Visit our blog: <http://www.newsobserver.com/bizblog/>

**FOR IMMEDIATE RELEASE**

September 4, 2014 (7.00 am)

**Contacts**

Devon Hall, Sr.|Rural Empowerment Association for Community Help| [910.296.1180](tel:910.296.1180)

Naeema Muhammad| North Carolina Environmental Justice Network|[252.314.0703](tel:252.314.0703)

Larry Baldwin | Waterkeeper Alliance | [lbaldwin@waterkeeper.org](mailto:lbaldwin@waterkeeper.org) | [252.670.1413](tel:252.670.1413)

Marianne Engelman Lado | Earthjustice | [mengelmanlado@earthjustice.org](mailto:mengelmanlado@earthjustice.org) | [212.845.7376](tel:212.845.7376)  
x 7393

Jonathan Hahn|Caplan Communications| [jonathan@caplancommunications.com](mailto:jonathan@caplancommunications.com) | [301-998-6592](tel:301-998-6592)

## ***Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations***

Decade-long struggle with North Carolina over public health shifts to the EPA as

community groups state lax oversight of hog operations violates civil rights

WARSAW, N.C.—The North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help and Waterkeeper Alliance, supported by Earthjustice, filed a complaint with the Environmental Protection Agency (EPA) Office of Civil Rights under Title VI of the Civil Rights Act of 1964 alleging that North Carolina's lax regulation of hog waste disposal discriminates against communities of color in eastern North Carolina.

The complaint is the latest chapter in a longstanding struggle to address the community health impacts posed by massive amounts of fecal waste from industrial hog facilities. Community members have repeatedly asked the North Carolina Department of Environment and Natural Resources (DENR) for stronger protections, but are now seeking help from the EPA, stating that a recent decision by DENR to issue a permit that will cover thousands of hog facilities without adequate waste disposal controls violates federal law and civil rights.

“Rural eastern North Carolinians, especially poor people and people of color, continue to suffer from the horrible conditions brought on by the industrial hog industry” said **Naeema Muhammad, Director of North Carolina Environmental Justice Network**. “It’s the State’s job to regulate these operations and make sure that the people and the environment are protected. This complaint is about making sure they do that.”

The permit continues to allow industry to flush hog feces and urine into open, unlined pits and then to spray this “liquid manure” onto nearby fields. This practice leads to waste contaminating nearby waters. The waste also drifts as mist onto neighboring properties, causing unbearable odors. The impact is worsened by the growth of the poultry industry in the state and the piles of chicken waste that often sit uncovered on fields for days on end.

These operations are disproportionately located in communities of color where neighbors are forced to endure the smell, water quality impacts and the embarrassment associated with the facilities operating near their homes.

“You can’t imagine what it’s like to live next to one of these hog operations,” said **Devon Hall, Project Manager at the Rural Empowerment Association for Community Help (REACH)**. “It’s hard to enjoy the outdoors and it’s embarrassing to invite company over, because the flies and the smells make life miserable. We’ve complained for decades about it.”

“The negative impacts that hog operations have on the environment and neighboring communities is outrageous, and the government is turning a blind eye to those in harm’s way,” said **Larry Baldwin, Concentrated Animal Feeding Operations (CAFO) Coordinator at Waterkeeper Alliance**. “It’s time the State took its responsibility to protect the citizens of North Carolina seriously. After years of working to improve water quality in the eastern portion of the state, I can say that it’s time for the state to take action.”

The complainants have notified officials at DENR and EPA of the filing and are asking EPA to initiate an investigation.

LINK TO FILED COMPLAINT: <http://waterkeeper.org/cms/assets/uploads/2014/09/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>

###

## About NCEJN

The North Carolina Environmental Justice Network is a statewide, grassroots-led non-profit organization made up of community members and other organizations that work to fight environmental injustice. The EJ Network seeks to promote health and environmental

equality for all people of North Carolina through organizing, advocacy, research, and education based on principles of economic equity and democracy for all people. The EJ Network supports the communities that are most impacted by environmental injustice and has worked for nearly two decades to change the fact that industrial swine facilities in North Carolina are allowed to pollute low-income communities and communities of color.

### **About REACH**

The Rural Empowerment Association for Community Help strives to improve the quality of life for families and people of color in rural eastern North Carolina. In particular, REACH addresses social, economic and environmental issues through its environmental awareness, sustainable agriculture, small business development, and homeownership programs.

### **About WATERKEEPER® Alliance**

Founded in 1999 by environmental attorney and activist Robert F. Kennedy, Jr. and several veteran Waterkeeper Organizations, Waterkeeper Alliance is a global movement of on-the-water advocates who patrol and protect over 1.5 million square miles of rivers, streams and coastlines in North and South America, Europe, Australia, Asia and Africa. Learn more at: [www.waterkeeper.org](http://www.waterkeeper.org) or follow @Waterkeeper on Twitter and Facebook.

### **About Earthjustice**

Earthjustice, the nation's premier nonprofit environmental law organization, wields the power of law and the strength of partnership to protect people's health, to preserve magnificent places and wildlife, to advance clean energy and to combat climate change.

Because the earth needs a good lawyer.

**To:** Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]  
**Cc:** Chang, Patrick[Chang.Patrick@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Martinez, Brittany[Martinez.Brittany@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]  
**From:** Wooden-Aguilar, Helena  
**Sent:** Fri 9/5/2014 9:54:10 PM  
**Subject:** For Review by Director of OCR: Response RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)  
Raleigh News 2014 09 04 response 2014 09 05 1620 bm updated version 3 hewa.docx

.....  
Velveta-

Attached is the response for your review. I have accepted all of Patrick's edits and responded to his comments.

### Ex. 5 - Deliberative Process

#### Ex. 5 - Deliberative Process

(thank you Patrick, Brittany, and Jeryl for your help today.)

Please let me know if you have any questions.

Helena

**From:** Chang, Patrick  
**Sent:** Friday, September 05, 2014 5:39 PM  
**To:** Wooden-Aguilar, Helena  
**Cc:** Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl  
**Subject:** FW: For Legal Review: \*\*Draft Response\*\*RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

## Ex. 5 - Deliberative Process

Otherwise, I'm good w/ it and don't need to see it again.

Thanks!

**From:** Wooden-Aguilar, Helena  
**Sent:** Friday, September 05, 2014 5:32 PM  
**To:** Chang, Patrick  
**Cc:** Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl  
**Subject:** RE: For Legal Review: \*\*Draft Response\*\*RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Patrick-



I have accepted your edits and responded to comments. I have also added language for your review.

Helena

**From:** Chang, Patrick  
**Sent:** Friday, September 05, 2014 4:23 PM  
**To:** Wooden-Aguilar, Helena  
**Cc:** Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Covington, Jeryl  
**Subject:** RE: For Legal Review: \*\*Draft Response\*\*RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)

Here are my comments. Call me if you want to discuss, as always.

**From:** Wooden-Aguilar, Helena  
**Sent:** Friday, September 05, 2014 3:31 PM  
**To:** Chang, Patrick  
**Cc:** Golightly-Howell, Velveta; Packard, Elise; Martinez, Brittany; Wooden-Aguilar, Helena; Covington, Jeryl  
**Subject:** For Legal Review: \*\*Draft Response\*\*RE: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations (URGENT)  
**Importance:** High

Patrick-

Thanks again for all your help with the Adm briefing documents.

OCR received a press inquiry for a new complaint received yesterday from Earthjustice. The complaint is attached as an FYI. We are in the process of notifying parties.

Below are draft responses and would appreciate your review. The press office has instructed OCR (see below) that they want responses ASAP.

Thanks again,

Helena

1. Can you tell me if you've received such complaints before based on civil rights law, if not against hog farms than other industrial operations, or if this is the first of its kind.

The Office of Civil Rights (OCR) is aware of receiving two Title VI complaints related to commercial swine operations as follows:

∇ In 1998, an administrative complaint was filed on behalf of Anthony Miller by Congressman Bennie G. Thompson. The complaint alleged that Mr. Miller's civil rights were violated by the Mississippi Department of Environmental Quality (MDEQ) by delaying approval of Mr. Miller's application for a swine farm operating permit and treated him differently from other 'similarly situated' White farmers. The EPA accepted the complaint on September 27, 2001. The case was dismissed on July 11, 2002.

✓ In 2008, the OCR received and accepted a Title VI complaint filed by a representative on behalf of the Yankton Sioux Tribe and its individual members against the South Dakota Department of Natural Resources regarding its approval of a General Water Pollution Control Permit at a CAFO located near Marty, South Dakota. The case was dismissed on February 4, 2011.

2. Also, would EPA decide this by paperwork or would there be hearings, testimony, evidence?

Title VI of the Civil Rights Act and EPA's implementing regulations prohibit recipients of Federal financial assistance from discriminating on the basis of race, color or national origin – both intentional discrimination and discriminatory effects from neutral policies. This prohibition includes discrimination on the basis of language ability. Federal regulations allow filing of complaints alleging discrimination and place investigative responsibility on the relevant Federal agency. EPA's Title VI implementing regulations are codified at 40 C.F.R. Part 7. EPA's Office of Civil Rights (OCR) reviews these complaints in accordance with 40 C.F.R. Part 7, Subpart E (§§ 7.105-7.135).

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**To:** Wooden-Aguilar, Helena

**Cc:** Covington, Jeryl

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**Sent:** Thursday, September 04, 2014 4:53 PM  
**To:** Lee, Monica; Allen, Laura  
**Subject:** FW: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

FYI this happened today. Politico Pro’s ag edition apparently wrote on it and now the News & Observer is asking.

Laura – Can you check with the region to see if they’ve gotten incoming and have a response.

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Press Secretary

U.S. Environmental Protection Agency

Direct: 202-564-6691

**Ex.6 Personal Privacy**

**From:** Davis, Alison  
**Sent:** Thursday, September 04, 2014 4:49 PM  
**To:** Purchia, Liz  
**Subject:** Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

see below. This includes the group's press release

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**From:** "Murawski, John" <[jmurawski@newsobserver.com](mailto:jmurawski@newsobserver.com)>

**Date:** September 4, 2014 at 4:35:36 PM EDT

**To:** Alison Davis <[Davis.Alison@epamail.epa.gov](mailto:Davis.Alison@epamail.epa.gov)>, "Davis, Alison" <[davis.alison@epa.gov](mailto:davis.alison@epa.gov)>

**Subject:** Fwd: Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations

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Staff Writer

*The News & Observer*

Raleigh, NC

Tel: 919-829-8932

Ex.6 Personal Privacy

Fax: 829-4529

e-mail: [john.murawski@newsobserver.com](mailto:john.murawski@newsobserver.com)

Twitter: @johnmurawski

Visit our blog: <http://www.newsobserver.com/bizblog/>

**FOR IMMEDIATE RELEASE**

September 4, 2014 (7.00 am)

#### **Contacts**

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Marianne Engelman Lado | Earthjustice | [mengelmanlado@earthjustice.org](mailto:mengelmanlado@earthjustice.org) | [212.845.7376](tel:212.845.7376)  
x 7393

## ***Community Groups Petition EPA for Precedent Setting Case on Civil Rights Violations***

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"You can't imagine what it's like to live next to one of these hog operations," said **Devon Hall, Project Manager at the Rural Empowerment Association for Community Help (REACH)**. "It's hard to enjoy the outdoors and it's embarrassing to invite company over, because the flies and the smells make life miserable. We've complained for decades about it."

"The negative impacts that hog operations have on the environment and neighboring communities is outrageous, and the government is turning a blind eye to those in harm's way," said **Larry Baldwin, Concentrated Animal Feeding Operations (CAFO)**

**Coordinator at Waterkeeper Alliance.** “It’s time the State took its responsibility to protect the citizens of North Carolina seriously. After years of working to improve water quality in the eastern portion of the state, I can say that it’s time for the state to take action.”

The complainants have notified officials at DENR and EPA of the filing and are asking EPA to initiate an investigation.

LINK TO FILED COMPLAINT: <http://waterkeeper.org/cms/assets/uploads/2014/09/North-Carolina-EJ-Network-et-al-Complaint-under-Title-VI.pdf>

# # #

### **About NCEJN**

The North Carolina Environmental Justice Network is a statewide, grassroots-led non-profit organization made up of community members and other organizations that work to fight environmental injustice. The EJ Network seeks to promote health and environmental equality for all people of North Carolina through organizing, advocacy, research, and education based on principles of economic equity and democracy for all people. The EJ Network supports the communities that are most impacted by environmental injustice and has worked for nearly two decades to change the fact that industrial swine facilities in North Carolina are allowed to pollute low-income communities and communities of color.

### **About REACH**

The Rural Empowerment Association for Community Help strives to improve the quality of life for families and people of color in rural eastern North Carolina. In particular, REACH addresses social, economic and environmental issues through its environmental awareness, sustainable agriculture, small business development, and homeownership programs.

### **About WATERKEEPER® Alliance**

Founded in 1999 by environmental attorney and activist Robert F. Kennedy, Jr. and several veteran Waterkeeper Organizations, Waterkeeper Alliance is a global movement of on-the-water advocates who patrol and protect over 1.5 million square miles of rivers, streams and coastlines in North and South America, Europe, Australia, Asia and Africa. Learn more at: [www.waterkeeper.org](http://www.waterkeeper.org) or follow @Waterkeeper on Twitter and Facebook.

### **About Earthjustice**

Earthjustice, the nation’s premier nonprofit environmental law organization, wields the power of law and the strength of partnership to protect people’s health, to preserve magnificent places and wildlife, to advance clean energy and to combat climate change.

Because the earth needs a good lawyer.



**To:** Covington, Jeryl[Covington.Jeryl@epa.gov]  
**From:** Wooden-Aguilar, Helena  
**Sent:** Wed 1/7/2015 9:33:03 PM  
**Subject:** Fwd: REACH follow -up  
[REACH 11R-14-R4 NC DENR Acceptance Letter - Draft \(1 8 2015\) mmo.doc ATT00001.htm](#)  
[REACH 11R-14-R4 Earthjustice Acceptance Letter - Draft \(1 8 2015\) mmo.doc ATT00002.htm](#)  
[Talking pts for 1.7.2015 Avi briefing sent to OCR.docx ATT00003.htm](#)  
[REACH Case Management Proposal 1 7 2015.docx ATT00004.htm](#)

::

Jeryl

I wanted to convey to you that management would like you to lead this investigation. Ericka will stay on and support you, along with Jonathan. I intend to speak with Ericka tomorrow.

Thanks and appreciate your assistance.

Helena

Helena Wooden-Aguilar  
Assistant Director  
External Civil Rights - US EPA  
202-564-0792 (office)

**Ex. 6 - Personal Privacy**

[wooden-aguilar.helena@epa.gov](mailto:wooden-aguilar.helena@epa.gov)

Begin forwarded message:

**From:** "O'Lone, Mary" <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>  
**Date:** January 7, 2015 at 3:54:35 PM EST  
**To:** "Dorka, Lilian" <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>, "Golightly-Howell, Velveta" <[Golightly-Howell.Velveta@epa.gov](mailto:Golightly-Howell.Velveta@epa.gov)>, "Packard, Elise" <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>, "Wooden-Aguilar, Helena" <[Wooden-Aguilar.Helena@epa.gov](mailto:Wooden-Aguilar.Helena@epa.gov)>, "Rhodes, Julia" <[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>  
**Cc:** "Moffa, Anthony" <[Moffa.Anthony@epa.gov](mailto:Moffa.Anthony@epa.gov)>  
**Subject:** REACH follow -up

All-

After the meeting with Avi this morning I met with Lilian & Helena. We 3 discussed the messages I conveyed to Avi (which were ones that I developed with Lilian earlier this

morning), the content of the draft acceptance letters, and a near term plan for briefings and meetings as we move forward in the coming weeks.

I agreed to edit the Earthjustice acceptance letter & draft one for NC DENR so they reflect the discussion that Lilian, Helena & I had. They are attached. I also said I would pass along the talking points that I used for Avi b/c they reflect the main points of the discussion that Lilian & I had earlier this morning. They are attached.

I also agreed to edit the draft IP to address comments Lilian had. I hope I have addressed those comments in the draft attached. The draft IP is still a work in progress (you will see a place where I would like to insert a short description of the theories, but do not have time today as I have to leave now). I will be able to update it tomorrow.

Thanks so much & talk with you tomorrow, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**To:** Isales, Daniel[Isales.Daniel@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]  
**From:** O'Lone, Mary  
**Sent:** Thur 11/3/2016 6:38:40 PM  
**Subject:** RE: Are either of you 2 writing up an agenda?  
REACH 11 3 16 Agenda 2.docx

....

I added a bit more on GIS & added the equipment thing

If no one else has comments – you send it like I did to everyone who is on the meeting invite?

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Isales, Daniel  
**Sent:** Thursday, November 03, 2016 2:16 PM  
**To:** O'Lone, Mary ; Farrell, Ericka ; Covington, Jeryl  
**Subject:** RE: Are either of you 2 writing up an agenda?

I've attached my suggested agenda. Since we are meeting in 45 minutes, there likely isn't time for a long back and forth in terms of editing the document, so please just go ahead make any necessary corrections, clarifications, changes, deletions, etc. on the document itself and recirculate. Last version circulated will be the one that Ericka will print for the meeting. Thanks,  
Dan

Daniel L. Isales (3RC60)

United States Environmental Protection Agency, Region III

Environmental Science Center

701 Mapes Road

Fort Meade, Maryland 20755-5350

(410) 305-3016

[Isales.daniel@epa.gov](mailto:Isales.daniel@epa.gov)

**From:** O'Lone, Mary

**Sent:** Thursday, November 03, 2016 1:44 PM

**To:** Farrell, Ericka <[Farrell.Ericka@epa.gov](mailto:Farrell.Ericka@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>;  
Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>

**Subject:** RE: Are either of you 2 writing up an agenda?

Here are items I nominated yesterday plus others:

**Ex. 5 - Deliberative Process**

**Ex. 6 - Privacy**

**Ex. 5 - Deliberative Process**

**Ex. 6 - Personal Privacy**

**Ex. 5 - Deliberative Process**

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** O'Lone, Mary

**Sent:** Thursday, November 03, 2016 1:28 PM

**To:** Farrell, Ericka <[Farrell.Ericka@epa.gov](mailto:Farrell.Ericka@epa.gov)>; Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>

**Subject:** Are either of you 2 writing up an agenda?

I think it would be helpful to keep us on task.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**To:** Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]  
**Cc:** O'Lone, Mary[olone.mary@epa.gov]  
**From:** Covington, Jeryl  
**Sent:** Mon 2/9/2015 8:41:15 PM  
**Subject:** RE: Assignment - REACH  
RE: REACH - do you know or can you tell if NC DENR is a recipient of USDA financial assistance?

While we were meeting on Arrowhead, Dayna Matthews completed a quick review of the DENR funding and identified the following.

The attached information indicates funding from both EPA and USDA. The US Corps, US F&W, and USGS were included in this funding listing.

The EPA funding appears to be related to WQ, watershed management, TMDL, wastewater revolving fund programs, and wetlands protection.

The USDA funding appears to be focused on easements, S&EC, and technical and financial assistance to install or implement structural and/or management practices on eligible agricultural land (this may be the link to the animal waste management systems).

Additionally, per the April 2004 memo to Bill Ross (former DENR Secretary) there was a working partnership between USDA and DENR's SWC Division.

**From:** Wooden-Aguilar, Helena  
**Sent:** Monday, February 09, 2015 3:21 PM  
**To:** Farrell, Ericka; Covington, Jeryl  
**Cc:** O'Lone, Mary  
**Subject:** Assignment - REACH  
**Importance:** High

Ericka-

I need you to please work with the law clerks and upload relevant materials to the REACH SharePoint site that Mary. Regarding relevant materials, I believe all the items that Mary copied into a REACH folder on the OCR shared drive should be it. Please have this done by **February 11, 2015**. I have copied Mary in case I have misunderstood.

Also, I need you and Jeryl to check and see if NC DENR gets financial assistance from USDA (or anyone else). Please have this information to me, with a cc to Mary, by **February 10, 2015, COB**.

Appreciate your help.

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights – US EPA

202-564-0792 (office)

**Ex. 6 - Personal Privacy**

[wooden-aguilar.helena@epa.gov](mailto:wooden-aguilar.helena@epa.gov)

**To:** Rao, Ravishankar[Rao.Ravi@epa.gov]  
**From:** Covington, Jeryl  
**Sent:** Fri 12/2/2016 3:56:32 PM  
**Subject:** DRAFT REACH Demographic Information  
[x xllAdet cLDCIHe u ZE3Lw..x x ags 2264dfc3bfc743d2b65cbd99bb682....pdf](#)  
[x xllAdet cLDCIHe u ZE3Lw..x x ags 2264dfc3bfc743d2b65cbd99bb682....pdf](#)  
[Sample Map.pdf](#)  
[Sample Map.pdf](#)

I appreciate your patience with OCR as we discuss the best means of developing the draft demographic information for the REACH complaint.

Yesterday afternoon, I received additional requests on methods for consideration in order to evaluate the NC animal facility maps.

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

I will contact you again today to discuss this request and ensure that the information is clear.

Again, thank you in advance!!





**To:** Covington, Jeryl[Covington.Jeryl@epa.gov]  
**From:** Rao, Ravishankar  
**Sent:** Fri 12/2/2016 5:27:53 PM  
**Subject:** RE: DRAFT REACH Demographic Information

OK.

**From:** Covington, Jeryl  
**Sent:** Friday, December 02, 2016 12:23 PM  
**To:** Rao, Ravishankar <Rao.Ravi@epa.gov>  
**Subject:** RE: DRAFT REACH Demographic Information

OK. Please note that my sample map boundaries are not exact but submitted for illustrative purposes only.

**From:** Rao, Ravishankar  
**Sent:** Friday, December 02, 2016 12:21 PM  
**To:** Covington, Jeryl <Covington.Jeryl@epa.gov>  
**Subject:** RE: DRAFT REACH Demographic Information

It does. I need to test them to see if the computer can do it.

**From:** Covington, Jeryl  
**Sent:** Friday, December 02, 2016 11:49 AM  
**To:** Rao, Ravishankar <Rao.Ravi@epa.gov>  
**Subject:** RE: DRAFT REACH Demographic Information

Do the variety of sample map configurations make sense? I did not know which one might be the easiest for you to work with.

**From:** Rao, Ravishankar  
**Sent:** Friday, December 02, 2016 11:47 AM

**To:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>  
**Subject:** RE: DRAFT REACH Demographic Information

Hi Jeryl,

Okay – sounds like a plan.

Thanks,

Ravi

**From:** Covington, Jeryl  
**Sent:** Friday, December 02, 2016 10:57 AM  
**To:** Rao, Ravishankar <[Rao.Ravi@epa.gov](mailto:Rao.Ravi@epa.gov)>  
**Subject:** DRAFT REACH Demographic Information

I appreciate your patience with OCR as we discuss the best means of developing the draft demographic information for the REACH complaint.

Yesterday afternoon, I received additional requests on methods for consideration in order to evaluate the NC animal facility maps.

## Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

I will contact you again today to discuss this request and ensure that the information is clear.

Again, thank you in advance!!

**To:** Rao, Ravishankar[Rao.Ravi@epa.gov]  
**From:** Covington, Jeryl  
**Sent:** Fri 12/2/2016 5:22:37 PM  
**Subject:** RE: DRAFT REACH Demographic Information

OK. Please note that my sample map boundaries are not exact but submitted for illustrative purposes only.

**From:** Rao, Ravishankar  
**Sent:** Friday, December 02, 2016 12:21 PM  
**To:** Covington, Jeryl <Covington.Jeryl@epa.gov>  
**Subject:** RE: DRAFT REACH Demographic Information

It does. I need to test them to see if the computer can do it.

**From:** Covington, Jeryl  
**Sent:** Friday, December 02, 2016 11:49 AM  
**To:** Rao, Ravishankar <Rao.Ravi@epa.gov>  
**Subject:** RE: DRAFT REACH Demographic Information

Do the variety of sample map configurations make sense? I did not know which one might be the easiest for you to work with.

**From:** Rao, Ravishankar  
**Sent:** Friday, December 02, 2016 11:47 AM  
**To:** Covington, Jeryl <Covington.Jeryl@epa.gov>  
**Subject:** RE: DRAFT REACH Demographic Information

Hi Jeryl,

Okay – sounds like a plan.

Thanks,

Ravi

**From:** Covington, Jeryl  
**Sent:** Friday, December 02, 2016 10:57 AM  
**To:** Rao, Ravishankar <[Rao.Ravi@epa.gov](mailto:Rao.Ravi@epa.gov)>  
**Subject:** DRAFT REACH Demographic Information

## Ex. 5 - Deliberative Process

# **Ex. 5 - Deliberative Process**

I will contact you again today to discuss this request and ensure that the information is clear.

Again, thank you in advance!!

**To:** Rao, Ravishankar[Rao.Ravi@epa.gov]  
**From:** Covington, Jeryl  
**Sent:** Thur 12/1/2016 8:36:50 PM  
**Subject:** REACH GIS Evaluation

I need to speak with you about an evaluation of the NC DEQ swine facility maps

# Ex. 5 - Deliberative Process

Jeryl W. Covington

Environmental Protection Specialist

U.S. Environmental Protection Agency

Office of Civil Rights|External Compliance Program

1200 Pennsylvania Avenue, N.W.|WJC-North|Rm 2524

Mail Code: 1201A

Washington, DC 20460

Desk: (202) 564-7713

Fax: (202) 565-0196

[covington.jeryl@epa.gov](mailto:covington.jeryl@epa.gov)



**To:** O'Lone, Mary[olone.mary@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]  
**From:** Covington, Jeryl  
**Sent:** Wed 1/25/2017 4:42:28 PM  
**Subject:** RE: REACH Mtg.: Jan 12, 2017  
REACH

The demographic information was included in the meeting invite (attached).

The census information that Ravi used was from DOJ. You may recall your initial contact with DOJ in order to obtain these shape files.

**From:** O'Lone, Mary  
**Sent:** Wednesday, January 25, 2017 11:37 AM  
**To:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>  
**Subject:** RE: REACH Mtg.: Jan 12, 2017

Jeryl-

I am sorry if you already sent it to me, but can you please send me the draft information you all talked about that day with Ravi?

Also, do you know if Ravi got the 2010 census data he is using for his drafts of the analysis from OEI?

Thanks, Mary

**From:** Covington, Jeryl  
**Sent:** Wednesday, January 11, 2017 1:28 PM  
**To:** Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>  
**Cc:** Rao, Ravishankar <Rao.Ravi@epa.gov>  
**Subject:** REACH Mtg.: Jan 12, 2017

I have just spoken with Ravi Rao about the demographic information for the REACH

case. He is prepared to discuss this information with us on Thursday, January 12, 2017.

## **Ex. 5 - Deliberative Process**

This was a time consuming project for Mr. Rao and I truly appreciate his consistent efforts to complete an evaluation of this data.

Jeryl W. Covington

Environmental Protection Specialist

U.S. Environmental Protection Agency

Office of General Counsel|External Civil Rights Compliance Office

1200 Pennsylvania Avenue, N.W.|WJC-North|Rm 2524

Mail Code: 2310A

Washington, DC 20460

Desk: (202) 564-7713

Fax: (202) 565-0196

[covington.jeryl@epa.gov](mailto:covington.jeryl@epa.gov)

**From:** Farrell, Ericka  
**Location:** DCRoomARN2528/DC-ARN-OCR-Rooms  
**Importance:** Normal  
**Subject:** REACH  
**Start Date/Time:** Thur 1/12/2017 8:00:00 PM  
**End Date/Time:** Thur 1/12/2017 9:00:00 PM  
[REACH Meeting Agenda - January 12 2017.doc](#)  
[2017 COC Density Analysis.docx](#)

Adding another attachment for today's meeting.

Dial In Number

**Ex. 6 - Personal Privacy**



Office of Civil Rights  
REACH Complaint Meeting  
January 12, 2017 · 3 p.m. – 4 p.m.  
WJC North Conference Room 2528

## Ex. 6 - Personal Privacy

### Agenda

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1. Status of the letter -Mary
2. Complainants Request for conference call on status of complaint
3. Status of demographic analysis - Jeryl/Ravi
4. Status of desk statement/Background Paper with Q&A- Dan/Ericka
5. Brief discussion of anticipated needs in response to public inquiries/FOIAs (e.g., identification of our press spokespersons, identification of universe of documents and record holders)
6. Initial discussion of anticipated request by Complainant and/or Pork Councils to participate in discussions with NC DEQ.

### Notes

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**To:** Rao, Ravishankar[Rao.Ravi@epa.gov]  
**From:** Covington, Jeryl  
**Sent:** Thur 12/1/2016 3:45:02 PM  
**Subject:** FW: Summary Table for Duplin & Sampson Counties  
[draft Summary Minority Information2.mmo.docx](#)

**From:** O'Lone, Mary  
**Sent:** Wednesday, November 30, 2016 5:58 PM  
**To:** Covington, Jeryl <Covington.Jeryl@epa.gov>  
**Cc:** Isales, Daniel <Isales.Daniel@epa.gov>  
**Subject:** RE: Summary Table for Duplin & Sampson Counties

My prelim comments

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** O'Lone, Mary  
**Sent:** Wednesday, November 30, 2016 4:54 PM  
**To:** Covington, Jeryl <Covington.Jeryl@epa.gov>  
**Cc:** Isales, Daniel <Isales.Daniel@epa.gov>  
**Subject:** RE: Summary Table for Duplin & Sampson Counties

Jeryl-

## **Ex. 5 - Atty Client/Deliberative Process**

I will send you my first round of comments on his paper in a little bit.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Covington, Jeryl  
**Sent:** Wednesday, November 30, 2016 4:16 PM  
**To:** O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>  
**Cc:** Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>  
**Subject:** RE: Summary Table for Duplin & Sampson Counties

## Ex. 5 - Deliberative Process

**From:** O'Lone, Mary  
**Sent:** Wednesday, November 30, 2016 3:10 PM  
**To:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>  
**Cc:** Isales, Daniel <[Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov)>  
**Subject:** RE: Summary Table for Duplin & Sampson Counties

Jeryl-

## Ex. 5 - Deliberative Process

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Covington, Jeryl

**Sent:** Wednesday, November 30, 2016 1:30 PM

**To:** Farrell, Ericka <[Farrell.Ericka@epa.gov](mailto:Farrell.Ericka@epa.gov)>; O'Lone, Mary <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>;  
Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; Wilson, Adam <[wilson.adam@epa.gov](mailto:wilson.adam@epa.gov)>

**Subject:** FW: Summary Table for Duplin & Sampson Counties

FYI-I have had a brief conversation with Ravi related to the attached but need to following up.

## Ex. 5 - Deliberative Process

**From:** Rao, Ravishankar

**Sent:** Wednesday, November 30, 2016 1:21 PM

**To:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>

**Subject:** Summary Table for Duplin & Sampson Counties

Hi Jeryl,

Here is a document, hopefully provides all the info to better understand the results and the methods used. Let me know what you think or questions that I should clarify or add to the



document.

Thanks,

Ravi

Ravishankar A. Rao, MPH MPA

Environmental Epidemiologist

Information Systems & Management Branch

US EPA – Region 4

61 Forsyth Street, S.W.

Atlanta, Georgia 30303

404-562-8349

[Rao.ravi@epa.gov](mailto:Rao.ravi@epa.gov)

**From:** Covington, Jeryl

**Sent:** Wednesday, November 23, 2016 10:17 AM

**To:** Rao, Ravishankar <[Rao.Ravi@epa.gov](mailto:Rao.Ravi@epa.gov)>

**Subject:** NC DEQ Animal Locations

## Ex. 5 - Deliberative Process

Jeryl W. Covington

Environmental Protection Specialist

U.S. Environmental Protection Agency

Office of Civil Rights|External Compliance Program

1200 Pennsylvania Avenue, N.W.|WJC-North|Rm 2524

Mail Code: 1201A

Washington, DC 20460

Desk: (202) 564-7713

Fax: (202) 565-0196

[covington.jeryl@epa.gov](mailto:covington.jeryl@epa.gov)

**To:** Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]  
**Cc:** Stein, Jonathan[Stein.Jonathan@epa.gov]  
**From:** Wooden-Aguilar, Helena  
**Sent:** Wed 1/7/2015 9:33:23 PM  
**Subject:** Fwd: REACH follow -up  
[REACH 11R-14-R4 NC DENR Acceptance Letter - Draft \(1 8 2015\) mmo.doc ATT00001.htm](#)  
[REACH 11R-14-R4 Earthjustice Acceptance Letter - Draft \(1 8 2015\) mmo.doc ATT00002.htm](#)  
[Talking pts for 1.7.2015 Avi briefing sent to OCR.docx ATT00003.htm](#)  
[REACH Case Management Proposal 1 7 2015.docx ATT00004.htm](#)

::

FYI. Internal only.

Helena Wooden-Aguilar  
Assistant Director  
External Civil Rights - US EPA  
202-564-0792 (office)

**Ex. 6 - Personal Privacy**  
[wooden-aguilar.helena@epa.gov](mailto:wooden-aguilar.helena@epa.gov)

Begin forwarded message:

**From:** "O'Lone, Mary" <OLone.Mary@epa.gov>  
**Date:** January 7, 2015 at 3:54:35 PM EST  
**To:** "Dorka, Lilian" <Dorka.Lilian@epa.gov>, "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>, "Packard, Elise" <Packard.Elise@epa.gov>, "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>, "Rhodes, Julia" <Rhodes.Julia@epa.gov>  
**Cc:** "Moffa, Anthony" <Moffa.Anthony@epa.gov>  
**Subject:** REACH follow -up

All-

After the meeting with Avi this morning I met with Lilian & Helena. We 3 discussed the messages I conveyed to Avi (which were ones that I developed with Lilian earlier this morning), the content of the draft acceptance letters, and a near term plan for briefings and meetings as we move forward in the coming weeks.

I agreed to edit the Earthjustice acceptance letter & draft one for NC DENR so they reflect the discussion that Lilian, Helena & I had. They are attached. I also said I would pass along the talking points that I used for Avi b/c they reflect the main points of the discussion that Lilian & I had earlier this morning. They are attached.

I also agreed to edit the draft IP to address comments Lilian had. I hope I have addressed those comments in the draft attached. The draft IP is still a work in progress (you will see a place where I would like to insert a short description of the theories, but do not have time today as I have to leave now). I will be able to update it tomorrow.

Thanks so much & talk with you tomorrow, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**To:** O'Lone, Mary[olone.mary@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]  
**From:** Covington, Jeryl  
**Sent:** Thur 6/2/2016 4:55:59 PM  
**Subject:** RE: REACH Tasks from today

Laura is also assisting on the OW and visual components.

**From:** O'Lone, Mary  
**Sent:** Thursday, June 02, 2016 12:49 PM  
**To:** Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>  
**Subject:** REACH Tasks from today

Ladies-

This is what I recall as being action items from today's meeting. Can you check it & see if I missed something or got it wrong? Thanks, Mary

**Ex. 5 - Deliberative/Attorney-Client; Ex. 6 Privacy**

# **Ex. 5 - Deliberative/Attorney-Client**

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

**To:** Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Turkevich, Paul[Turkevich.Paul@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]  
**From:** O'Lone, Mary  
**Sent:** Mon 11/17/2014 5:41:40 PM  
**Subject:** Re: Today's Updated REACH Case Management Proposal  
REACH Case Management Plan 2014 11 17.docx  
EJ v DENR Summary NC Swine CAFO Permit Program 10 30 14.docx

.....  
>>>>>

Helena & Paul-

I have added language and provided some comments & responses to comments.

Also attached is the latest draft of the memo that Anthony has been working on re: the regulatory & statutory framework. I referenced it in one of my comments.

Did you want to pre-meet at all for the meeting with Daria?

I never did hear what you all discussed on Wednesday.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

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**From:** Wooden-Aguilar, Helena  
**Sent:** Friday, November 14, 2014 3:37 PM  
**To:** Turkevich, Paul; O'Lone, Mary; Covington, Jeryl; Farrell, Ericka  
**Subject:** RE: Today's Updated REACH Case Management Proposal  
Thank you Paul. I have reviewed and provided a few responses to Mary's comments.

Helena

**From:** Turkevich, Paul  
**Sent:** Friday, November 14, 2014 12:02 PM  
**To:** O'Lone, Mary; Wooden-Aguilar, Helena; Covington, Jeryl; Farrell, Ericka  
**Subject:** RE: Today's Updated REACH Case Management Proposal

Not to add to the different versions out there, but I addressed some of the issues in the allegations section. Version attached.

**From:** O'Lone, Mary

**Sent:** Thursday, November 13, 2014 6:21 PM

**To:** Turkevich, Paul; Wooden-Aguilar, Helena; Covington, Jeryl; Farrell, Ericka

**Subject:** RE: Today's Updated REACH Case Management Proposal

I edited the allegations part (but didn't do track changes) and added some comments that I hope you all can address. I am out tomorrow, but in on Monday.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**From:** Turkevich, Paul

**Sent:** Wednesday, November 12, 2014 5:02 PM

**To:** O'Lone, Mary; Wooden-Aguilar, Helena; Covington, Jeryl; Farrell, Ericka

**Subject:** RE: Today's Updated REACH Case Management Proposal

I've added a few paragraphs about the complaint's allegations.

**From:** O'Lone, Mary

**Sent:** Wednesday, November 12, 2014 2:04 PM

**To:** Wooden-Aguilar, Helena; Covington, Jeryl; Farrell, Ericka; Turkevich, Paul

**Subject:** Today's Updated REACH Case Management Proposal

Here is today's version for our meeting this afternoon.

Also Monday's options paper

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel



US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

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**From:** Wooden-Aguilar, Helena

**Sent:** Wednesday, November 12, 2014 11:23 AM

**To:** O'Lone, Mary; Covington, Jeryl; Farrell, Ericka; Turkevich, Paul

**Cc:** Wooden-Aguilar, Helena

**Subject:** RE: Updated REACH Case Management Proposal

Mary and Team

Attached are my comments and edits to the updated CM Plan. Thank you Mary for putting pen to paper on this and thanks to the team for your input and thoughts.

Apologies all around for the delay.

Helena

**From:** O'Lone, Mary

**Sent:** Friday, November 07, 2014 11:46 AM

**To:** Wooden-Aguilar, Helena

**Cc:** Packard, Elise; Rhodes, Julia

**Subject:** Updated REACH Case Management Proposal

Helena-

## **Ex. 5 - Deliberative/Attorney-Client**

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

**To:** Covington, Jeryl[Covington.Jeryl@epa.gov]; O'Lone, Mary[olone.mary@epa.gov]  
**From:** Wooden-Aguilar, Helena  
**Sent:** Sat 2/21/2015 3:06:22 AM  
**Subject:** Fwd: REACH

::  
FYI.

Helena Wooden-Aguilar  
Assistant Director  
External Civil Rights - US EPA  
202-564-0792 (office)  
**Ex. 6 - Personal Privacy**  
[wooden-aguilar.helena@epa.gov](mailto:wooden-aguilar.helena@epa.gov)

Begin forwarded message:

**From:** "Tejada, Matthew" <[Tejada.Matthew@epa.gov](mailto:Tejada.Matthew@epa.gov)>  
**Date:** February 20, 2015 at 6:09:10 PM EST  
**To:** "Golightly-Howell, Velveta" <[Golightly-Howell.Velveta@epa.gov](mailto:Golightly-Howell.Velveta@epa.gov)>  
**Cc:** "Lee, Charles" <[Lee.Charles@epa.gov](mailto:Lee.Charles@epa.gov)>, "Dorka, Lilian" <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>, "Wooden-Aguilar, Helena" <[Wooden-Aguilar.Helena@epa.gov](mailto:Wooden-Aguilar.Helena@epa.gov)>, "Matthew, Dayna" <[Matthew.Dayna@epa.gov](mailto:Matthew.Dayna@epa.gov)>, "Packard, Elise" <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>, "Rhodes, Julia" <[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>, "O'Lone, Mary" <[OLone.Mary@epa.gov](mailto:OLone.Mary@epa.gov)>, "Colaizzi, Jennifer C." <[Colaizzi.Jennifer@epa.gov](mailto:Colaizzi.Jennifer@epa.gov)>, "Sinha, Prasiddh" <[Sinha.Prasiddh@epa.gov](mailto:Sinha.Prasiddh@epa.gov)>  
**Subject:** Re: REACH

Hanks Velveta. Let's shoot for a briefing in mid March. Helena can work with Mr Sinha copied here to find a good time.  
Thanks  
M

Matthew S. Tejada  
Director  
EPA Office of Environmental Justice  
(202) 564-8047

On Feb 20, 2015, at 5:44 PM, Golightly-Howell, Velveta <[Golightly-Howell.Velveta@epa.gov](mailto:Golightly-Howell.Velveta@epa.gov)> wrote:

Hi Matthew. I wanted to let you know that today OCR issued the attached letters accepting for investigation one allegation and requesting clarification on another made

in the Title VI complaint filed in September 2014 by Earthjustice claiming discrimination related to swine feeding operations in North Carolina. Specifically, OCR will investigate whether:

- North Carolina DENR's regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring communities and violates Title VI and EPA's implementing regulations.

We anticipate the investigation will be controversial. We are prepared to organize a briefing or provide background should you need it. Please contact Helena Wooden-Aguilar of my staff if you would like to schedule a briefing or obtain any background information. Also, please refer any press inquiries about this matter directly to Jennifer Colaizzi in OPA (202-564-7776). Jennifer is prepared to field all inquiries.

Velveta

Velveta Golightly-Howell

Director, Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Mail Code 1201A

Washington, DC 20460

202-564-6685

**To:** Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]  
**Cc:** Covington, Jeryl[Covington.Jeryl@epa.gov]  
**From:** Farrell, Ericka  
**Sent:** Mon 6/22/2015 12:25:00 PM  
**Subject:** RE: Status of Administrative Complaint No. 11R-14-R4  
11R-14-R4 Response to public inquiry.docx

Good Morning Helena,

Here is a draft response. It can also be cut and paste to an email if you should choose to respond via email.

Ericka

**From:** Wooden-Aguilar, Helena  
**Sent:** Tuesday, June 16, 2015 7:18 PM  
**To:** Farrell, Ericka  
**Cc:** Covington, Jeryl  
**Subject:** Fwd: Status of Administrative Complaint No. 11R-14-R4

Can you please draft a response and have it to me by Friday of this week?

Thanks

Helena

Helena Wooden-Aguilar

Assistant Director

US Environmental Protection Agency

202-564-0792 (office)

## Ex. 6 - Personal Privacy

[wooden-aguilar.helena@epa.gov](mailto:wooden-aguilar.helena@epa.gov)

Begin forwarded message:

**From:** "Armstrong, Sherrie" <[SArmstrong@crowell.com](mailto:SArmstrong@crowell.com)>  
**Date:** June 12, 2015 at 10:52:34 AM EDT  
**To:** "[wooden-aguilar.helena@epa.gov](mailto:wooden-aguilar.helena@epa.gov)" <[wooden-aguilar.helena@epa.gov](mailto:wooden-aguilar.helena@epa.gov)>  
**Subject:** Status of Administrative Complaint No. 11R-14-R4

Ms. Wooden-Aguilar,

I am writing to inquire about the status of the September 3, 2014 Administrative Complaint filed by Earthjustice against the North Carolina Department of Environment and Natural Resources (No. 11R-14-R4). I know EPA accepted that complaint on February 20, 2015, but can't find any status update or related documents on the web apart from the Notification of Acceptance. Any information you can give me on its status or where I can find related documents would be much appreciated!

Many thanks,

Sherrie Armstrong

Sherrie A. Armstrong

[sarmstrong@crowell.com](mailto:sarmstrong@crowell.com)

Direct: 1.202.624.2522 | Fax: 1.202.628.5116

**Crowell & Moring LLP** | [www.crowell.com](http://www.crowell.com)

1001 Pennsylvania Avenue NW  
Washington, DC 20004

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Attorney-Client Communication  
Attorney Work Product

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